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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 E70048. The report focuses on the import regulations and standards that are not harmonized in the EU or where the Netherlands varies. The EU Regulations that were published in 2012 and measures that went into force in 2012 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 E70048.

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 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. (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 (EZ) 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

Email: info@vwa.nl
Website: www.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/meest-bezocht-a-z/dossier/import-plantmateriaal/certificaat-en-inspectieplichtige-producten-bij-import.

This website is updated regularly. For more information or questions for the PD, contact:
NVWA's Plantenziektenkundige Dienst (PD)
Geertjesweg 15
Postbus 9102
6706 EA Wageningen
Phone: +31 (0)317-496911
Fax: +31 (0)317-421701
Email: pd.info@minlnv.nl
Website: 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 Ministry of Economic Affairs 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. 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.

Directive 2000/13/EC will be repealed by European Parliament and Council Regulation 1169/2011. This EU Regulation, adopted in November 2011, establishes new horizontal food labeling requirements which will apply from December 13, 2014, except for the new mandatory nutrition declaration requirement which will apply from December 13, 2016, and Part B of Annex VI (specific requirements concerning the designation of minced meat) which will apply from January 1, 2014. Detailed information on the EU's new food labeling requirements is available in GAIN Report E70002 "New EU Food Labeling Rules Published".

Compulsory information:

1. Name/Description: *Warenwetbesluit Etikettering van Levensmiddelen, art. 4*
2. List of ingredients: *Warenwetbesluit Etikettering van Levensmiddelen, art. 6*
3. Allergens: *Warenwetbesluit Etikettering van Levensmiddelen*
4. Categories of ingredients: *Warenwetbesluit Etikettering van Levensmiddelen, art. 7 and Appendix I*
5. Quantitative ingredients declaration – see below

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

7. 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 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

8. Instructions for storage: *Warenwetbesluit Etikettering van Levensmiddelen, art. 18a*

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

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

11. Instructions for use: *Warenwetbesluit Etikettering van Levensmiddelen, art. 18b*

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

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

14. Treatments: *Warenwetbesluit Etikettering van Levensmiddelen, art. 4, lid 5 and lid 6*

Any foodstuff which has been treated with ionising radiation must bear one of the following indications:	- "doorstraald"; - "door straling behandeld"; - "met ioniserende straling behandeld"

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 cafeine*
Directive 2002/67/EC will be repealed on December 13, 2014, when the EU's new labeling Regulation 1169/2011 becomes applicable.

Phytosterols & phytostanols: *Warenwetbesluit Etikettering van Levensmiddelen, art. 2.3*
Verordening inzake de etikettering van voedingsmiddelen en voedselingrediënten met toegevoegde fytosterolen, fytosterolesters, fytostanolen en/of fytostanolesters
Directive 608/2004 will be repealed on December 13, 2014, when the EU's new labeling Regulation 1169/2011 becomes applicable.

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.
The Directive on QUID will be repealed on December 13, 2014, when the EU's new labeling Regulation 1169/2011 becomes applicable.

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".
Directive 2008/5/EC will be repealed on December 13, 2014, when the EU's new labeling Regulation 1169/2011 becomes applicable.

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. This process can be expensive and burdensome. 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

Labeling of genetically modified foods: see Section VII

Institutional packed products: *Warenwetbesluit Etikettering van Levensmiddelen, art. 24*

Exceptions: At the ministry of economic affairs an exception to the existing labeling regulations can be granted. The granting of an exception would however be very rare.

B. Medical/Health/Nutrition Claims

Point of contact in the Netherlands:
KOAG/KAG
PO Box 9087
1006 AB Amsterdam, the Netherlands

Phone: +31-(0)20-408 0686
Fax: +31-(0)20-408 0873
Email: keuringsraad@koagkag.nl
Website: www.koagkag.nl

Health claims
In December 2011, the European Commission proposed a list of 222 functional health claims for substances other than botanicals. More than two years after the due date set by Regulation 1924/2006, the list of EU-approved functional health claims and their conditions of use was finally adopted on May 25, 2012. Regulation 432/2012 establishing the EU positive list became applicable on December 14, 2012. Anyone is able to use the permitted health claims provided the conditions set out in Regulation 432/2012 are met. The EU's online "Register of Nutrition and Health Claims" has been updated not only with the 222 authorized health claims but also with the more than 1,600 rejected claims and the reasons for their non-authorization. Health claims referring to botanical substances have been put on hold because the Commission and the Member States are discussing the potential conflict of the Health Claims Regulation with the Traditional Herbal Medicinal Products Directive. All claims that are not authorized and not on hold or under consideration are prohibited as of December 14, 2012. Food products carrying claims must comply with the provisions of nutritional labeling directive 90/496/EC.

Nutritional claims
The Annex to Regulation 1924/2006 lists the EU authorized nutrition claims and their conditions of use. Commission Regulation 1047/2012 published in November 2012 adds a new "No Added Sodium/Salt" claim to the EU positive list and amends the conditions of use of the "Reduced [Name of the Nutrient]" claim.

Requirements specific to nutritional labeling
Warenwetbesluit Voedingswaarde-informatie Levensmiddelen, § 2. voedingswaarde etikettering
The EU's new labeling regulation 1169/2011 which will apply from December 13, 2014, introduces the mandatory declaration of the energy value and the amounts of fat, saturates, carbohydrates, sugars, protein and salt expressed per 100 grams or per 100 milliliters in the same field of vision on food labels. The salt content must be expressed as "salt" not "sodium" but where appropriate, a statement indicating that the salt content is exclusively due to the presence of naturally occurring sodium may appear in close proximity to the nutrition declaration. The nutrition declaration may additionally be given on a per portion basis and expressed as a percentage of daily reference intakes set out in Part B of Annex XIII.

C. Product-specific labeling
See Section VII

D. Country of origin labeling
The EU's new labeling regulation 1169/2011 which will apply from December 13, 2014, extends the mandatory country of origin labeling to meat listed in Annex XI (swine, sheep and goat, poultry) and when the country of origin of a food is not the same as its primary ingredient. The European Commission has until December 13, 2013, to carry out a feasibility study on the possible extension of mandatory country of origin labeling to meat used as an ingredient. It has until December 13, 2014, to assess the impact of country of origin labeling of other types of meat, milk, milk used as an ingredient in dairy products, unprocessed foods, single-ingredient products, and ingredients that represent more than 50 percent of a food.

Section III. Packaging and Container Requirements
A. Size and content
Warenbesluit containers

B. Packaging waste management

Besluit beheer verpakkingen en papier en karton
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). The Netherlands introduced in this context NEDVANG, more information can be found on www.nedvang.nl.

Nedvang Waste tool
Postbus 8724
3009 AS Rotterdam
Phone: +31 (0)10 420 6161
Fax: +31 (0)10 420 1702
Email: info@nedvang.nl

C. Material in contact with food stuffs

Warenwetbesluit Verpakkingen en Gebruiksartikelen, Verpakkingsverordening productschap dranken 2003
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)
Warenwetbesluit additieven, aroma's en enzymen in levensmiddelen

Flavorings
Warenwetbesluit Aroma's; Warenwetbesluit additieven, aroma's en enzymen in levensmiddelen
The new union list on flavoring substances, which was finally published in the Official Journal on October 2, 2012, will be introduced in Annex I of Regulation 1334/2008 on flavorings and certain food ingredients with flavoring properties. It contains more than 2,500 substances that are authorized for use in the EU. The two new pieces of legislation clarify and harmonize the use of flavoring substances within the single market list and will be introduced in Annex I of framework Regulation 1334/2008 on flavorings.

Commission Implementing Regulation (EU) No 872/2012 provides for a new EU wide list of flavoring substances which can be used in food and will apply from April 22, 2013, giving time for the EU food industry to adapt to the new rules. All flavoring substances not in the list will be prohibited after a phasing out period of 18 months. The current Regulation 2232/96 is repealed by this new legislation and will no longer be in force as of April 21, 2013.

Commission Regulation (EU) No 873/2012 concerns transitional measures for other flavorings such as flavorings made from non-food sources and apply since October 22, 2012.

The authorized uses of flavoring substances are listed according to the category of food to which they may be added and are also available in an on-line database allowing consumers, food businesses and food control authorities to easily identify which flavoring substances are authorized in food.

Enzymes
Warenwetbesluit additieven, aroma's en enzymen in levensmiddelen

Processing aids
Warenwetbesluit additieven, aroma's en enzymen in levensmiddelen

Section V. Pesticides and Contaminants

A. Pesticides

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.

B. Contaminants

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 252/2012
- Heavy metals, Tin, 3-MCPD and benzo(a)pyrene: Commission Regulation 333/2007 as amended by Commission Regulation 836/2011

Import conditions for U.S. almonds
In September 2007, the EU implemented special import conditions which called for mandatory testing of U.S. almonds imported into the EU. USDA and The California almond industry have developed a "Voluntary Aflatoxin Sampling Plan" (VASP) comparable to the EU sampling procedures so that almonds can be uniformly tested before they are shipped to the EU. Per Commission Regulation 1152/2009, these procedures are considered to provide sufficient assurances which means that almonds shipped under VASP are subject to random controls. The Regulation covers 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 20 percent). While almonds shipped without a VASP certificate used to be subject to 100 percent border controls in the original Commission Regulation 1152/2009, the regulation was amended in March 2012 and no longer authorizes imports without a VASP (Commission Regulation 274/2012).

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

Detailed information on the special certification and documentation requirements can be found in the FAIRS Export Certificate Report GAIN NL1029.

Section VII. Other Specific Standards

A. Genetically modified foods

Warenwetbesluit Etikettering van Levensmiddelen, Warenwetbesluit Nieuwe Voedingsmiddelen
Labeling regulations for genetically modified (GM) food products are established by Regulation 1829/2003 (articles 12-13).
Proposal: In September 2012, the European Commission published a proposal to amend the existing rules on honey established by Council Directive 2001/110/EC. The proposal clarifies that pollen is a natural constituent and not an ingredient of honey. This proposal was presented following a Court of Justice preliminary ruling on GM pollen in honey. The Commission's proposal does not affect the Court's conclusion that GM pollen in food are subject to the EU's GMO legislation.

B. Novel foods

Proposal: In 2011, a revision of the EU Novel Foods Regulation proposed by the European Commission failed to win the required consensus from the European Parliament and Council. The Commission will restart the process and present a new novel foods proposal in the first half of 2013.

C. Nanotechnology

On October 3, 2012, the Commission adopted the Communication on the Second Regulatory Review on Nanomaterials explaining how the Commission plans to improve EU law to ensure the safe use of nanomaterials. It is accompanied by a Staff Working Paper on nanomaterial types and uses, including safety aspects giving a detailed overview of available information on nanomaterials on the market, including their benefits and risks. Therefore, the Commission favors the application of a case-by-case approach regarding the risk assessment of nanomaterials, using indications of potential risks in terms of exposure or hazard.

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 marketing of dietetic foods for which no specific rules have been established must be notified to the Member State where the food is sold. The competent authority for the Netherlands is the Food and Consumer Product Safety Authority.

Point of contact in the Netherlands:
Food and Consumer Product Safety Authority (NVWA)
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

Proposal: In June 2011, the European Commission presented a proposal to revise the current legislative framework for dietetic foods. The draft regulation proposes to abolish the concept of dietetic foods. Foods other than infant-formula, follow-on formula and foods for special medical purposes will be treated as "normal" foods unless they make a nutrition or health claim in which case they will have to comply with the requirements set out in the Nutrition & Health Claims Regulation (see Section II.B). Although the proposal does not ban any products, products will need to be re-labeled or reformulated. The proposal will probably be adopted in 2013 and become applicable in 2016. For more information see GAIN report E60045 "Commission proposes to abolish concept of dietetic foods".

G. Wine, beer and other alcohol beverages

Wine Labeling

Commission Regulation 607/2009, as amended by Commission Implementing 1185/2012, lays down detailed rules on protected designations of origin and geographical indications, traditional terms and labeling.

Allergen labeling

Under the EU's general labeling directive 2000/13/EC, the indication of allergens listed in Annex III is mandatory on all food and beverage labels. A temporary derogation from this rule for wines fined with egg and milk derivates expired on June 30, 2012. Commission Implementing Regulation 579/2012 sets out the modalities for the labeling of allergens on wine. Starting July 1, 2012, a wine label must state that it "contains" one or more of the following allergens: "sulphites", "sulfites", "sulphur dioxide", "sulfur dioxide", "egg", "egg protein", "egg product", "egg lysozyme", "egg albumin", "milk", "milk product", "milk casein" or "milk protein". The translation of these terms in all the official EU languages is available in Part A of the Annex to Regulation 579/2012. Information on the authorized languages to label allergens in the different EU Member States is available on the European Commission's website at http://ec.europa.eu/agriculture/markets/wine/labelling_allergens.pdf. The terms designating the allergenic ingredient may be supplemented by the pictograms laid down in Part B of the Annex to Regulation 579/2012.

Allergen labeling is mandatory for alcoholic beverages with sulfite concentrations of more than 10 mg/liter. Wine products in which the milk/egg proteins cannot be detected are exempt from the mandatory labeling rules.

Organic wine

EU organic legislation now also covers wine. Commission Implementing Regulation 203/2012, applicable since August 1, 2012, allows the use of the term "organic wine" where before the label could only mention "wine made from organic grapes." Regulation 203/2012 sets out the conditions to label wine as organic. Sorbic acid and desulfurication are not allowed and the level of sulfites must be at least 30-50 mg per liter lower than their conventional equivalent. For more information see Section VII-H "Organic Foods."

H. Organic foods

EU-U.S. organic equivalence cooperation arrangement

The organic arrangement between the U.S. and the EU in combination with growing demand for organic products in the EU creates opportunities for U.S. exporters. The potential market for U.S. organics on the EU market is estimated at almost USD 50 million and opportunities are to be found in vegetables, fresh fruit, dried fruit and nuts, specialty grains and processed products. For more information please download GAIN Report NL3003, http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Export%20opportunities%20for%20U.S.%20organics%20in%20the%20EU%20market_The%20Hague_Netherlands%20EU-27_2-11-2013.pdf

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Proposal: The adoption of a legislative proposal to review the organic framework regulation is included in the European Commission's 2013 Work Program. In September 2012, the Commission published a "Roadmap" outlining several policy options as part of an "Impact Assessment" initiative. The Roadmap can be downloaded from the Commission's website at http://ec.europa.eu/governance/impact/planned_ia/docs/2012_agri_014_organic_farming_en.pdf.

I. Vertical legislation

Directive 2012/12/EU, published in April 2012, sets out new labeling rules for fruit juices and fruit nectars. This directive amends framework Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption. Member States have until October 28, 2013, to transpose the provisions of the new directive into national law. Products which are placed on the market or labeled before October 28, 2013, may continue to be marketed until April 28, 2015. Detailed information on key changes introduced by the new directive can be found in GAIN report "New EU Fruit Juice Labeling Rules."

Proposal: In September 2012, the European Commission published a proposal to amend the existing rules on honey established by Council Directive 2001/110/EC. The proposal clarifies that pollen is a natural constituent and not an ingredient of honey. This proposal was presented following a Court of Justice preliminary ruling on GM pollen in honey. The Commission's proposal does not affect the Court's conclusion that GM pollen in food are subject to the EU's GMO legislation.

J. Beef & meat labeling

Beef

Proposal: In September 2011, the European Commission published a proposal to delete the voluntary beef labeling schemes established by Regulation 1760/2000. The proposal did not include any amendments to the mandatory labeling requirements. The proposal is currently going through the first reading phase of the ordinary legislative procedure (co-decision) and is expected to be adopted in the second half of 2013.

Meat
General labeling directive 2000/13/EC sets out the definition of "meat" for labeling purposes. This definition does not cover mechanically separated meat (MSM) as it is still subject to Member State legislation. The European Commission is considering working on a guidance document to better identify which products should be considered as MSM and if appropriate, propose legislative amendments.

L. Frozen foodstuffs
Until the stage at which frozen food of animal origin intended for human consumption is labeled in accordance with the current Food Labeling Directive 2000/13 (for more information see Section II) or used for further processing, Commission Regulation 16/2012 requires food business operators to provide the date of production AND the date of freezing to the buyers and upon request, to the competent authorities. Where a food is made from a batch of raw materials with different dates of production and freezing, the older dates of production and/or freezing must be made available.

The EU's new Food Labeling Regulation 1169/2011 (for more information see Section II) requires that, starting December 13 2014, labels on frozen meat, frozen meat preparations and frozen unprocessed fishery products indicate the date of freezing or the date of first freezing in cases where the product has been frozen more than once.

N. Seafood
Detailed information on exporting U.S. seafood to the EU is available in the 2012 update of the "How to export seafood to the European Union" guide which can be downloaded at http://www.seafood.nmfs.noaa.gov/Howtoexportseafood2012%20.pdf.

Proposal: In July 2011, the European Commission presented a proposal for a new regulation on the common organization of the markets in fishery and aquaculture products. The draft regulation includes mandatory labeling requirements. Discussions between the European Parliament and the Council on the adoption of the proposal are still on-going in the context of the ordinary legislative procedure (co-decision). More information on the status of the Fisheries Reform proposal can be found on the Commission's website at http://ec.europa.eu/fisheries/reform/index_en.htm.

Section VIII. Copyright and/or Trademark Laws
Copyright
The Netherlands and the U.S. are both members of the Universal Copyright Convention of Geneva so works by U.S. authors, copyrighted in the U.S., are also protected in the Netherlands.

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)70-349 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.

Protected geographical indications
A proposal on "Agricultural Product Quality Schemes" was adopted in November 2012, and consequently published as European Parliament and Council Regulation 1151/2012. The new rules enter into force on January 3, 2013, and cover agricultural products and foodstuffs but not wines and spirits which are covered by specific legislation. The new regulation consolidates four different quality schemes (Protected Designations of Origin, Protected Geographical Indications, Traditional Specialties Guaranteed, and Optional Quality Terms) into a single legal framework. The provisions on labeling and the use of EU logos for PDO's, PGI's and TSG's will apply from January 4, 2016.

Section IX. Import Procedures

Regulation 450/2008 establishing the "Modernized Customs Code" was adopted in 2008 but is not yet applicable. It is due to become applicable once its implementing provisions are in force, at the latest June 24, 2013. However, as the European Commission decided to amend the Modernized Customs Code before it becomes applicable, a proposal to recast the Modernized Customs Code was published in February 2012.

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 "Taric" customs database can be consulted to look up commodity codes and relevant import duties. Taric is a multilingual database covering all measures relating to tariff and trade legislation. The EU's 2013 Tariff Schedule was published on October 31, 2012 in Official Journal L 304. A list of customs authorities can be found at http://ec.europa.eu/taxation_customs/common/links/customs/index_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. More information on 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.

Customs provides information of imports from which the NVWA 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 Economic Affairs 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
USDA Office of Agricultural Affairs
Marcel Hendrikus Pinckaers
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
PO Box 20401
2500 EK The Hague, The Netherlands
Phone: +31 (0)70 378 6868
http://www.rijksoverheid.nl/ministeries/ez
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