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Report Name: Food and Agricultural Import Regulations and Standards
Export Certificate Report

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Report Highlights:

The Netherlands, as a Member State of the European Union (EU), conforms to all EU regulations and directives. However, rules for the certification of imports are complicated and in practice not always harmonized across EU Member States. This report lists the recent developments related to the Dutch import requirements for the certification of agricultural and food imports.

Introduction

The Netherlands, as a Member State of the European Union (EU), conforms to all EU regulations and directives. We therefore recommend that this report is read in conjunction with the EU Food and Agricultural Import Regulations and Standards (FAIRS) Export Certificate Report. This report and other related FAIRS reports can be found on the FAS website at:

<https://gain.fas.usda.gov/#/>

For U.S. agricultural, forestry, fishery and food related exports, the Netherlands is the gateway to the European Union (EU). During the first eight months of 2019, Dutch imports from the United States declined 16 percent compared to the same period last year (a year in which a record annual import value was reached -- \$3.6 billion). The main agricultural and food products being imported from the United States were soybeans, food preparations, beef, almonds, and fats and oils.

Dutch Customs conducts a document check after which the Netherlands Food and Consumer Product Safety Authority (NVWA) selects lots for further inspection. Unfortunately for exporters, rules for certification of imports are complicated and, in practice, are not always harmonized across EU Member States. This report lists recent developments related to the Dutch import requirements for the certification of agricultural and food imports.

Between two and three percent of all shipments entering Europe through the Netherlands are detained. The main reasons provided for detained shipments from the United States are generally as follows, in order of prevalence:

- the certificate was issued after the date of departure;
- there were typographical errors (such as the wrong EU plant approval number);
- the shipper used the wrong/old certificate model, or a certificate was absent;
- the copy of the certificate is not the original;
- incorrect strike outs of standard text in certificates were implemented or initials were missing by strike outs; and,
- the stamp is unclear or the stamp is not an original.

Changing EU legislation and resultant changes in import requirements are often a reason for errors, such as issuance of the incorrect certificate model (often the old model), typos, and incorrect strike outs.

New phytosanitary certification requirements

On December 14, 2019, certain changes in the EU's plant health and animal health legislation, as well as in the EU's import control legislation, were imposed. As a result of these changes, certain certificates changed and certain plant products which did not previously require a certificate now need to be accompanied by a certificate (as of December 14, 2019). For more information on these changes, see the website of the European Commission at: https://ec.europa.eu/food/plant/plant_health_biosecurity/legislation/new_eu_rules_en

Additionally, readers can refer to the website of the NVWA, which list changes by product (in Dutch only) at: <https://www.nvwa.nl/onderwerpen/import-planten-groenten-fruit-plantaardige->

[producten/documenten/export/fytosanitair/voorschriften/algemeen/certificaat-en-inspectieplichtige-producten-bij-import](#)

Note that as of the date of publication of this report, not all new requirements have been officially published.

Dating Certificates

One of the EU's requirements is that: "the certificate must be issued before the consignment to which it relates leaves the control of the competent authority of the country of dispatch." This means that the health certificate must be issued and signed before the shipment leaves the United States. On October 26, 2016, FSIS issued Notice 83-16, which instructs that a replacement certificate be dated with the current date in order to provide an accurate date of certification for the importing country (NOTE: the replacement certificate does include a reference to the original certificate in order to facilitate trade). In addition, FSIS is now limiting the time a replacement certificate can be issued without re-inspection to 90 calendar days for products that are not frozen or not shelf-stable, and 364 calendar days for frozen or shelf-stable products. , Notice 83-16 came into effect on January 24, 2017.

Although this is a EU-wide requirement, FAS/The Hague notes that errors in dating a certificate have led to detained shipments in the Netherlands.

E-Certification

U.S. regulatory agencies and the NVWA continue to promote the use of e-certification for both exports and imports. The advantages being that the document check can be performed at an earlier stage, issues can be identified and rectified, and the paper certificates will not get lost. Ultimately, e-certificates will cut down on the administrative burden and save costs. To date, the USDA Agricultural Marketing Service (AMS) has been issuing electronic certificates. An estimated fifteen percent of the certificates issued for dairy, almonds, and pistachios are e-certificates, while all shipments of organic products use e-certificates.

On October 19, 2017, the EU began requiring the use of electronic certification through the EU's Trade Control and Expert System (TRACES) for certified organic products. The United States continues to work closely with the EU as TRACES system is updated. For more information see the EU FAIRS Export Certificate Report.

Seal Number

In order to conduct an identity check of a shipment, the Dutch NVWA requires the seal number of the container to be on the health certificate. A seal number on the Bill of Lading is not sufficient as these can easily be re-issued by private companies. If a seal number is not present on the health certificate, a physical check is necessary to verify the identity of the shipment. If there is a broken seal, the port official will conduct an open-container check to verify the health marks, count the boxes, verify the weight, and/or open the boxes to ensure that the product in the container matches what is listed on the export documentation.

Composite Products

The certification requirements for products containing animal as well as plant products is complex and subject to interpretation by the local veterinarians at the Border Inspection Posts. The EC developed and published a "Product Decision Tree" and guidance document in 2015 to clarify the scope of the legislation. For more information see: <http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/certification/>.

Although this is a EU-wide requirement, FAS/The Hague notes that misunderstanding of the certificate requirements has led to detained shipments in the Netherlands.

DISCLAIMER: This report has been prepared by the USDA/Foreign Agricultural Service in The Hague, the Netherlands for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, the 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, before any goods are shipped, that a U.S. exporter verifies the full set of import requirements with their Dutch customer (importer), who is normally best equipped to research such matters with local authorities. 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 a product's entry.

Attachments:

No Attachments