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Netherlands

Food and Agricultural Import Regulations and Standards Report

FAIRS Export Certificate Report

Approved By:
Susan Phillips
Prepared By:
Bob Flach and Marcel Pinckaers

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 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:

http://gain.fas.usda.gov/Pages/Default.aspx

For U.S. agricultural and food exports, the Netherlands is the gateway to the EU. During the first eight months of 2018, Dutch imports from the United States grew by 15 percent to nearly $2.4 billion and is anticipated to reach a record value of about $3.5 billion for the calendar year. The main agricultural and food products being imported from the United States are soybeans, food preparations, tree nuts, beef, corn, and fats & oils.

Dutch Customs conducts the document check from which the Netherlands Food and Consumer Product Safety Authority (NVWA) selects the lots for further inspection. Unfortunately for exporters, rules for 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 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 valid reasons provided for detained shipments from the United States are generally as follows, in order of occurrence:

- Certificate was issued after the date of departure
- Typo's such as wrong EU plant approval number
- Wrong strike outs or initials missing by strike outs
- Missing information, such as carton numbers
- Wrong certificate model
- HS Code is not correct
- Certificate is not the original
- Stamp is unclear or stamp is not original

Backdating

EU regulations do not allow for backdating. "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. If a replacement certificate is needed, the USDA Food Safety Inspection Service (FSIS), per Notice 83-16, will date the replacement certificate with the current date in order to provide an accurate date of certification for the importing country. In addition, FSIS limits the time a

replacement certificate can be issued without re-inspection to ninety calendar days for products that are not frozen or not shelf stable and 364 calendar days for frozen or shelf stable products.

Stamping of Certificates and Letterheads

The NVWA requires all documents related to the content of a health certificate to be stamped by the official national certifying authority, and by an official government veterinarian. Based on FSIS policies, FSIS can only apply the FSIS Export Stamp to certificates and letterhead certificates and not to FSIS letters or declarations. In 2018, several shipments with beef were held because of the lack of an official stamp on an FSIS letter. The NVWA did not accept the letter as part of the official correction of the health certificate. The NVWA informed FAS The Hague that the internal NVWA instructions to request an official stamp on letters will evaluated; however, a final determination has not yet been published.

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, it will cut down on the administrative burden and save costs. The USDA Agricultural Marketing Service (AMS) has supported the use of electronic certificates. An estimated fifteen percent of the certificates issued for dairy, almonds and pistachios are now issued electronically.

For organic products, the EU has required the use of electronic certification through the EU's Trade Control and Expert System (TRACES) for certified Organic Products since October 19, 2017. The United States continues to work closely with the EU as they update their TRACES system. For more information, see the EU FAIRS Export Certificate Report.

Broken Seals

When conducting an identity check of the 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 be easily re-issued by private companies. If no seal number is 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 EU has created a model health certificate for imports of composite products, which was implemented in 2012. All composite products containing a processed meat product are subject to a veterinary check. Generally speaking, composite products that have more than fifty percent of animal origin products require a certificate. There are certification requirements concerning the heat treatment for all dairy products as well. But the European Commission (EC) guidance document does not always provide a clear answer as to on when a composite product health certificate is

needed. Specifically there have been problems issuing the right certificate for food supplements.

A detailed "Product Decision Tree" to clarify the scope of the legislation was made available by the EC in 2013. This guidance greatly expanded the number and types of products affected by the legislation. The decision tree is included in the further guidance that was developed and published in 2015. For more information on EU certification requirements, see: http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/certification/.

Meat Extracts versus Meat Products

During the past years, beef and poultry stocks were exported to the Netherlands with an FSIS Public Health Certificate for Meat Extracts Intended for Human Consumption. In March 2018, several shipments with stocks and broths were held by the NVWA. The reason for the detainment given by the NVWA was that since January 1, 2017, products such as stocks and meat extracts are legislated as meat products by Regulation EC/2007/275. A Summary Report of the Expert Group on veterinary import controls legislation states that "On request from several Member States, COM clarified the import conditions for meat extracts and meat powders for human consumption: they are considered as meat products and must comply with the import conditions for meat products." Because meat products are subject to harmonized EU legislation, the plants in the United States must be approved by the EU.