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Netherlands

Food and Agricultural Import Regulations and Standards

Annual

2005

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Report Highlights:
This report updates the Dutch food and agriculture regulations effective August 31, 2005. Please note that all sections have been updated.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
The Hague [NL1]
[NL]

Table of Contents

Section I. Food Laws

Harmonization within the EU

http://www.useu.be/agri/harmonization.html

The Netherlands, as a member of the EU, conforms to all EU regulations and directives. We therefore recommend that this report is read in conjunction with the Food and Agricultural Import Regulations and Standards (FAIRS) report produced by the US Mission to the EU in Brussels, Belgium – Gain Report Number : E35162
http://www.fas.usda.gov/scriptsw/attacherep/default.asp

Regulation 2002/178/EC, called "The General Food Law", is the harmonized regulation which sets out the general principles and requirements of EU harmonized food law. The General Food Law (GFL) does not regulate the following commodities: pet food, crops prior to harvesting, drugs, cosmetics and tobacco. The GFL is converted into the individual Member States' Food and Drug Laws.

Since January 1, 2005, Chapter I, the main part, of the GFL has been enforced. On January 1, 2006, Regulations 2004/852, 2004/853, 2004/854 and 2004/882 will be enforced. The GFL refers to these Regulations. For the implications of these Regulations we refer to the website of the U.S. Mission to the EU: http://www.useu.be/AGRI/usda.html

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. In addition, there is a wide variation in inspection fees, registration fees and the time required to evaluate dossiers on products used in the course of the food production process.

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 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. At this website all other Dutch legislation can be found. (NOTE: website is in Dutch)

Through the Inspectorate for Health Protection and Veterinary Public Health (Keuringsdienst van Waren) and the National Inspection Service for Livestock and Meat (Rijksdienst voor de keuring van Vee en Vlees), the Dutch Food and Consumer Product Safety Authority (Voedsel en Waren Autoriteit) has the authority to inspect animals and foodstuffs. The Dutch Food and Consumer Product Safety Authority (VWA) is part of the Ministry of Agriculture, Nature and Food Quality (www.minlnv.nl).

The Dutch Food and Consumer Product Safety Authority (VWA)
P.O. Box 19506
2500 CM The Hague, The Netherlands
Phone: +31-(0)70-4484848
Fax: +31-(0)70-4484747
www.vwa.nl
info@vwa.nl

Responsibilities of the Dutch Inspectorate for Health Protection and Veterinary Public Health (KvW) are: enforcement of the General Food Law through the Warenwet. Responsibilities of the National Inspection Service for Livestock and Meat (RVV) are: inspection of livestock for slaughter, slaughtering, meat and all imports of animal origin.

Section II. Labeling Requirements

A. General Requirements

1. Scope of Labeling Law

www.useu.be/agri/label.html
General rules on the labeling, presentation and advertising of foodstuffs marketed in the EU are laid down in the Directive 2000/13/EC. This directive consolidates the general labeling directive 1979/112/EC and all its amendments in a single text. It applies to food products intended for sale to the ultimate consumer.

An overview of the EU labeling requirements is given on:
http://europa.eu.int/scadplus/leg/en/lvb/l21090.htm

In the Netherlands, the labeling requirements have been laid down in the Warenwetbesluit Etikettering van Levensmiddelen. Again, this decree can be found at http://wetten.overheid.nl and is in Dutch. If U.S. exporters need assistance with translation of this legislation please contact the Office of Agricultural Affairs in The Hague.

1.1 Generic Definitions

The Dutch labeling requirements apply to food products at the time when they are for sale for consumers (art. 1:2). In practice, this includes food retail and parts of the food service industry (institutional catering). The labeling requirements for food products sold to the food processing industry and remaining parts of the food service industry (no direct contact with the consumer) are somewhat different (see 6).

1.2 The Description

http://www.useu.be/agri/label.html,
The description is the name under which the foodstuff is sold. The name must not mislead the buyer of the nature of the product and its composition.
Warenwetbesluit Etikettering van Levensmiddelen, art. 4

1.3 Listings

1.3.1 Ingredients

http://www.useu.be/agri/label.html
The list of ingredients is given, in descending order of weight. Important derogations include compound ingredients, added water/concentrated foods, cheese (see art. 6 of 2000/13/EC). The following ingredients require a specific statement on the label: Genetically Modified Organisms (GMOs), packaging gases (Directive 1994/54/EC) / sweeteners / aspartame & polyols (Directive 1996/21/EC) / quinine & caffeine (Directive 2002/67/EC). *Warenwetbesluit Etikettering van Levensmiddelen, art. 6*

Through an amendment of 2000/13/EC by 2003/89/EC, it is also compulsory to label allergens in The Netherlands as from November 25, 2005. For more information go to:
http://www.useu.be/agri/label.html#Allergen.

1.3.2 Net Quantity

http://www.useu.be/agri/label.html
The net quantity of prepackaged foodstuffs is expressed in metric units (liter, centiliter, milliliter, kilogram or gram). A small "e" on the label may be used to guarantee that the actual content corresponds to the quantity indicated.
Warenwetbesluit Etikettering van levensmiddelen, art. 11

1.3.3 Other Required Listings

http://www.useu.be/agri/label.html

Irradiated products:
Harmonization of EU rules on food irradiation is still at an initial stage and US exporters of irradiated foodstuffs should check individual EU member State legislation for compliance.
In the Netherlands, if the product or the product ingredient has been irradiated, this must be stated by mentioning the word(s) "doorstraald", "door straling behandeld" or "met ioniserende straling behandeld".
Warenwetbesluit Etikettering van Levensmiddelen, art. 4

Quantitive Ingredients Declaration (QUID):
www.useu.be/agri/label.html#QUID
Quantitative ingredients declaration is mandatory in the following cases:

- Where the ingredient or category of ingredients appears in the name under which the foodstuff is sold: e.g. strawberry ice cream - QUID for strawberries; or fruit pie - QUID for total fruit content.
- Where the ingredient or category of ingredients is usually associated with that name by the consumer: e.g. goulash soup - QUID for beef.
- Where the ingredient or category of ingredients is emphasized on the labeling in words (e.g. "made with butter"), pictures (e.g. of a cow to emphasize dairy ingredients) or graphics (different size, color and/or style of print).
- Where the ingredient or category of ingredients is essential to characterize a foodstuff and to distinguish it from similar products.

Warenwetbesluit Etikettering van Levensmiddelen, art. 10

Instruction for storage and/or use:
http://www.useu.be/agri/label.html
Any special storage conditions or conditions of use must be supplied if there is a risk for incorrect storage or use.
Warenwetbesluit Etikettering van Levensmiddelen, art. 18

Name and Address of Producer, Packer or Vendor:
http://www.useu.be/agri/label.html
The (business) name and address of the manufacturer, packager or vendor established within the Community must be presented.
Warenwetbesluit Etikettering van Levensmiddelen, art. 19

Percentage of Alcohol:
http://www.useu.be/agri/label.html
For beverages containing more than 1.2% alcohol by volume, the percentage of alcohol has to be mentioned, "alcohol"/"alc." "% vol". It is advisable to mention the percentage of alcohol in other food products as well.
Warenwetbesluit Etikettering van Levensmiddelen, art. 21

Lot Marking:
http://www.useu.be/agri/label.html
Council Directive 1989/396/EC requires that foodstuffs carry a mark identifying the lot to which a foodstuff belongs. It defines "lot" as a batch of sales units of a foodstuff produced, manufactured or packaged under practically the same conditions. The indication to identify the lot should be determined by the producer, manufacturer or packager or by the first seller in the EU. The marking shall be preceded by the letter "L", except in cases when it is clearly distinguishable from other indications on the label. The lot identification is not necessary if the date (day and month) of minimum durability or "use by" date appears in un-coded form on the label. (GAIN E23195)
Warenwetbesluit Etikettering van Levensmiddelen, art. 22

Frozen:
www.useu.be/agri/frozen.html
Council Directive 1989/108/EC lays down rules for quick-freezing foodstuffs and for their packaging and labeling (does not cover ice creams and other edible ices). These rules apply to all quick-frozen foodstuffs intended for supply without further processing to the ultimate consumer and to foodstuffs that need further processing or preparing. In addition to the requirements specified in the general labeling directive 2000/13/EC, the following indications must be included in the labeling of foodstuffs intended for supply without further processing to the ultimate consumer, restaurants, hospitals, canteens or other similar mass caterers. (see www.useu.be/agri/frozen.html)

If the product is frozen and must be stored frozen in a freezer, the word "Diepvries" must be mentioned near the product name/designation. Additionally, it must mention for what period, at what temperature or in what installation the end user can store the frozen product. Finally it must mention that thawed products may not be frozen again: "na ontdooiing niet opnieuw invriezen."
Warenwetregeling Diepgevroren levensmiddelen, art. 6

Sweeteners:
http://www.useu.be/agri/label.html
The use of sweeteners must be mentioned near the product description by the words "met zoetstoffen." If a combination of sugars and sweeteners has been added, the words "met suikers and zoetstoffen" must be mentioned near the product description.
Warenwetbesluit Zoetstoffen, art. 9

Packaged in a Protective Atmosphere:
http://www.useu.be/agri/label.html
For foodstuffs whose durability has been extended by means of packaging gases (in conformity with EC council directive 1989/107/EC), the words "verpakt onder beschermende atmosfeer" must be included on the label.
Warenwetbesluit Etikettering van Levensmiddelen, art. 22a

Biotech Food and Feed:
http://www.useu.be/agri/GMOs.html
Since April 18, 2004, genetically modified food and feed must be labeled according 2003/1829/EC and 2003/1830/EC.

The breakdown in the EU's approval process for products made from modern biotechnology has blocked most U.S. exports of corn and hinders trade in other products. Food processors and exporters are either reformulating or seeking non-biotech sources. Problems exist for both approved products and products currently undergoing the approval process.

Biotechnology continues to be more of a political than a scientific issue in Europe and the prospects for improvement remain dim.

1.4 Placing of Descriptions and Listings
http://www.useu.be/agri/label.html
Descriptions and listings have to be placed in such a way they are clearly visible and easily read.
Warenwetbesluit Etikettering van Levensmiddelen, art. 23

2. Specify Languages
http://www.useu.be/agri/label.html
The language to be used is Dutch. It is permitted to mention information in other languages if the foreign language is sufficiently clear.
Warenwetbesluit Etikettering van Levensmiddelen, art. 23

3. Standard US Label
http://www.useu.be/agri/label.html
The standard US label fails to comply with EU and Dutch labeling requirements. Requirements under Section II have to be met.

4. Stick-on Labels
EU legislation does not contain any reference to the use of stick-on labels. Stick-on labels, in addition to the standard US label, can be used. In this case, the Dutch stick-on label shall meet all Dutch labeling requirements. They can be applied prior to export or applied in the Netherlands before sale. Health marks on veterinary products, including the EU factory approval number, can only be applied in the place of manufacturing.
Warenwetbesluit Etikettering van Levensmiddelen, art. 24

5. Enforcement of Labeling Regulations
http://www.useu.be/agri/label.html
The food product must have the correct label before it is sold to the consumer.
Warenwetbesluit Etikettering van Levensmiddelen art. 1.2

6. (1) Sample-size Products or (2) Institutional Packed Products
http://www.useu.be/agri/label.html
(1.) For sample-size products the same labeling requirements apply.
Warenwetbesluit Etikettering van Levensmiddelen, toelichting art. 1

(2.) For food products that are for the food service industry (except catering) product packaging does not necessarily have to comply fully with standard labeling requirements. Purchased quantity (i.e. pallet, box, etc) must include the following information: a. the name, b. information on the producer, packer or vendor and c. the shelf live.
Warenwetbesluit Etikettering van Levensmiddelen, art. 24

7. Claims
http://www.useu.be/agri/label.html
Medical claims, attributing to a foodstuff the property of preventing, treating or curing human diseases, are explicitly prohibited in the EU general labeling directive.

The EC is preparing new legislation for the use of health and nutritional claims in the EU. For the approval of health claims and claims on the nutritional value of the product, U.S. exporters and/or Dutch importers can send the text (health claim on the label or in advertising messages) to KOAG/KAG (Council for Authorization of Health Claims).

KOAG/KAG
Postbus 90445,
1006 BK Amsterdam, the Netherlands
Phone: +31-(0)20-7130720
Fax: +31-(0)20-7130721
e-mail: keuringsraad@koagkag.nl
website: www.koagkag.nl. (Code voor de Aanprijzing van Gezondheids-producten (CAG))

8. (1) Shelf-life or (2) Country-of-Origin Requirements
http://www.useu.be/agri/label.html
(1) Date of Minimum Shelf-life/Last day of consumption must be indicated
If the shelf life is influenced by the method of storage, a description of appropriate storage must be mentioned on the label. The statements to be used are the following:

Minimum Durability

Tenminste houdbaar tot:	Day, Month For a shelf-life up to 3 month after the date of packing
Tenminste houdbaar tot einde:	Month, Year For a shelf-life between 3 and 18 months
Tenminste houdbaar tot einde:	Year For a shelf-life longer than 18 months

Use by Date

Te gebruiken tot:	Last day

"Warenwetbesluit Etikettering van Levensmiddelen" art. 16 and art. 17

(2) Place of Origin
The place of origin must be mentioned (regional, territorial or topographical) when omitting it misleads the consumer.
"Warenwetbesluit Etikettering van Levensmiddelen" art. 20

9. Exception to Labeling
Only the Minister of Agriculture can grant an exception to the labeling regulations (i.e. containers of food to be processed, labeled or repacked). The granting of an exception would be very rare.

B. Requirements Specific To Nutritional Labeling

Nutritional Labeling Requirements
http://www.useu.be/agri/label.html#Nutrition
Nutrition labeling rules are laid down in Council Directive 1990/496/EC. Nutrition labeling is not mandatory in the EU unless a nutrition claim is made on the label or in advertising messages. "Nutrition labeling" means any information on the label that relates to energy value and to the following nutrients present in significant amounts: protein, carbohydrate, fat, fiber, sodium, vitamins and minerals. A "nutritional claim" means any representation or advertising that claims a foodstuff has particular nutritional properties, and is only allowed if it relates to the energy value and/or nutrients referred to above.
Warenwetbesluit Voedingswaarde-informatie Levensmiddelen, § 2. voedingswaarde etikettering

Nutrient Content Claims

http://www.useu.be/agri/partnutr.html

There are no provisions concerning nutritional claims on an EU level. Dutch provisions exist concerning the following claims:

a. Energetic Value

- Low energy value (less than 210 kJ/100g or 100ml) except for soups and drinks (Less than 85 KJ/100ml).
- Reduced energy level (at least 33% lower than that of comparable standard products).

b. Fat Content

- Low fat content (less than 5%; must be calculated on a dry matter basis for beverages, soup and milk).
- Reduced fat content (at least 33% lower than that of comparable products).

c. Protein Content

- High protein content (at least 20%; should be calculated on a dry matter basis for beverages, soup and milk).
- Elevated protein content (at least 33% higher than that of comparable products).

d. Polyunsaturated Fatty Acids

- High level of polyunsaturated fatty acids (at least 60% of the fat, saturated fat not more than 25% of the fat, daily consumption corresponding with at least 5 g of fat).
- Elevated level of polyunsaturated fatty acids (at least 30% and at most 60% of the fat and at least twice the level of comparable products; the level of saturated fat does not exceed the level of polyunsaturated fat and daily consumption must correspond with at least 5 g of fat).
- Low content of saturated fat (saturated fat not more than 25% of total fat, polyunsaturated fat at least 60% of total fat, daily consumption of the product must correspond with at least 5 g of fat).

e. Sugar Content

- "suikervrij" (sugar free) or "zonder suiker" (without sugar) (no sugar present, comparable products may contain sugars).
- Reduced sugar level (at least 33% less sugars than in comparable products).
- No sugars added/unsweetened (no sugars, syrups or honey added).

f. Dietary Fiber Content

- High dietary fiber content (at least 10% on a dry matter basis for soups, milk products and beverages in the ready-for-use product).
- Elevated dietary fiber content (at least 33% higher than in comparable products).

g. Sodium Content

- Low sodium/salt (less than 40 mg sodium per 100 g or 100 ml).
- Reduced sodium/salt (at least 33% less sodium than in comparable products).
- No salt added (no sodium used during manufacturing).

h. Vitamin

- High level of a specific vitamin or mineral: normal daily consumption of the product in question should supply at least 20% of the (Dutch) RDI.

i. Minerals

- High level of a specific vitamin or mineral: normal daily consumption of the product in question should supply at least 20% of the (Dutch) RDI.

Warenwetbesluit Voedingswaarde-informatie Levensmiddelen, art. 8

Health Claims
Medical claims, attributing to a foodstuff the property of preventing, treating or curing human diseases, are explicitly prohibited in the EU general labeling directive. The directive does not provide any guidance on which health claims are allowed and which not.
U.S. exporters and/or Dutch importers can send the text (health claim on the label or in advertising messages) to Koag Kag for approval in the Netherlands. (See Section II, A. number 7.)

Section III. Packaging and Container Regulations

Container Content
http://www.useu.be/agri/packaging.html
Council Directive 1980/232/EC establishes container sizes for butter, fresh cheeses, salt, sugar, breakfast cereals, pasta, rice, dried fruits and vegetables, coffee, frozen fruits and vegetables, fish fillets, fish fingers, ice-cream, preserved fruits and vegetables and products sold in metal containers.

Requirements on the use of containers in international transport are written down in the International Agreement on Safe Use of Containers. These requirements are translated into the *Regeling Verpakkingen- en Gebruiksartikelen (RVG)* of the Warenwet.

Packaging Waste Management
http://www.useu.be/agri/packaging.html
Regeling Verpakkingen- en Gebruiksartikelen has been framed as a result of Directives 1976/893/EC. This Decree, together with 2001/62/EC, 2002/17/EC and 2002/16/EC are integrated into the RVG.

The RVG does not forbid recycling of waste material, but sets the same standards as for new packaging material.

Materials in Contact with Foodstuffs
http://www.useu.be/agri/packaging.html
Council Directive 1989/109/EC specifies the common rules for materials that come into contact with foodstuffs and provides for the adoption of specific directives including lists of authorized substances, conditions of use, migration limits and purity standards.

The requirements for synthetic materials are laid down in 2002/72/EC, 1978/142/EC, and 2002/16/EC, and for ceramics in 1984/500/EC. Requirements for paper, cardboard, rubber, wood, cork, metal and inks are not yet harmonized and are laid down in the Dutch RVG.

Section IV. Food Additive Regulations

http://www.useu.be/agri/additive.html
Council Directive 1989/107/EC provides for the establishment of EU harmonized positive lists of a wide range of food additives. This Directive is implemented in the *Warenwetbesluit Levensmiddelenadditieven*. All food additives that are not mentioned in the positive list are prohibited except for those new food additives that are temporarily authorized by Member States. Throughout the years there have been only a few food additives temporarily authorized by The Netherlands. Contact the VWA on this temporarily authorization.

Directive 1995/2/EC is implemented in the *Warenwetregeling Gebruik van Additieven met uitzondering van Kleurstoffen en Zoetstoffen in Levensmiddelen*. The annex of this regulation specifies per product the exact quantity of allowed food additives.

Sweeteners
http://www.useu.be/agri/additive.html
European Parliament and Council Directive 1994/35/EC governs the use of sweeteners in foodstuffs. This Directive is implemented in *the Warenwetbesluit Zoetstoffen*.

Colors
http://www.useu.be/agri/additive.html
Council Directive 1994/36/EC governs the use of colors in foodstuffs. This Directive is implemented in the *Warenwetregeling Gebruik van kleurstoffen in levensmiddelen*.

Miscellaneous Additives
European Parliament and Council Directive 1995/2/EC, last amended by Directive 2003/114/EC, governs the use of so-called miscellaneous additives other than colors and sweeteners in foodstuffs. This Directive is implemented in the *Warenwetregeling Gebruik van Additieven met Uitzondering van Kleurstoffen en Zoetstoffen in Levensmiddelen*.

Feed Additive Regulations
http://www.useu.be/agri/feed.html
European Parliament and Council Regulation 2003/1831/EC, imposed on October 18, 2004, regulates the use of additives in animal nutrition. It sets out rules for the authorization, marketing and labeling of feed additives. This regulation also completes the ban on antibiotic growth promoters in feed by prohibiting the use of four antibiotic substances as of January 1, 2006.

Section V. Pesticides and other Contaminants

Contaminants
http://www.useu.be/agri/pesticides.html#Contaminants
Directive 1993/315/EC sets out the standards for substances unintentionally present in food products. Regulation 2001/466/EC sets the maximum levels of contaminants, including mycotoxins, in a wide range of products, such as nuts, fruits, grains, herbs and milk.

Pesticides
http://www.useu.be/agri/pesticides.html
Directives 1991/414/EC and 1998/8/EC are implemented in the *Bestrijdingsmiddelenwet 1962*. This law details all requirements on the use of pesticides on foodstuffs. Detailed information on the composition, packing and labeling of pesticides can be found in the *Regeling samenstelling, indeling, verpakking en etikettering bestrijdingsmiddelen and in the Bestrijdingsmiddelenregeling*.

MRLs apply to domestic produced products and imported products. The harmonization of MRLs was initiated in 1976 due to trade problems between the European Union member states. The following directives give the Maximum Residue Levels (MRL) for the various products;

Council Directive 1986/362/EC, as amended, establishes MRLs for pesticides in cereals and cereal products.
Council Directive 1986/363/EC, as amended, establishes MRLs for pesticides in products of animal origin.
Council Directive 1990/642/EC, as amended, establishes MRLs for pesticides in products of plant origin, including fruits and vegetables.

Compounds for which there is no trading standard or a harmonized MRL remain subject to Member State legislation. If there is no EC legislation in place but there is a national MRL for a specific pesticide/commodity combination in the importing Member State and the product being imported into that country conforms with it, then the product can be marketed in that country. For the Netherlands, the MRLs for the various products is updated quarterly and can be found on http://www.rikilt.wageningen-ur.nl/vws/index.html.

Current EU and Member State legislation on pesticide Maximum Residue Levels (MRLs) will be replaced by 2005/396/EC. The content of this legislation is completed but the appendixes with the MRLs are not expected to be ready before the summer of 2006. The new legislation, along with other developments in pesticide legislation in the EU, could have trade implications if the future EU harmonized MRL list does not include MRLs evaluated and authorized in the U.S. and therefore possibly found on exported U.S. agricultural commodities.

The large majority of the MRLs that are set in the 'Decree on Residue of Pesticides' are direct implementations of the EU MRLs. For the few national MRLs, The Board for the Authorization of Pesticides (CTB) evaluates data and proposes MRLs. Ministry of Health is responsible (after consulting the Ministry of Agriculture) for establishing MRLs and implementing in the legislation.

For more information:
Ministry of Health, Welfare and Sport
2500 EJ The Hague, The Netherlands
www.minvws.nl

Section VI. Other Regulations and Requirements

Documentation and Certification Requirements (refer to Export Certification FAIRS Report NL5025).

On January 1, 2005, article 18 of the General Food Law, regulating the traceability of foodstuffs, has been made compulsory for all companies which produce, store or transport food or feed products. According article 18, it is obligatory to keep information of the production process within the company and transactions made one step up and one step down in the chain.

The Warenwet obliges companies to follow HACCP (Hazard Analysis and Critical Control Points). The HACCP system alone is not regarded as sufficient to fulfill the traceability requirements of article 18.

Since April 18, 2004, specific traceability and labeling requirements for genetically modified food apply according 2003/1829/EC and 2003/1830/EC (see http://www.useu.be/agri/GMOs.html).

Animal Products
http://www.useu.be/agri/certification.html
European Community is in the process of harmonizing legislation on imports of animal products. This is a three-layer process that starts with the recognition of a country to export a certain animal product. The U.S. is recognized by the EU for nearly all animal products.

In a second stage, lists of E.U. approved establishments are drawn up in recognized countries. Various U.S. agencies, including FSIS, APHIS, AMS, and FDA are involved in the listing process. Depending on the commodity, establishments are subject to E.U. inspections prior to listing and/or to occasional E.U. audits after listing. Until now, the following products have to be sourced from EU approved establishments: meat products, red meat, wild game meat, farmed game meat, ratites, milk & milk products, animal casings, gelatin, bovine embryos, bovine semen, porcine semen, equine semen and seafood.

The third level is the requirement that all shipments be accompanied by animal health and/or public health certificates signed by U.S. officials to guarantee that individual lots or shipments of products meet Community requirements.

For other products the Community has not yet completed "harmonization" of import requirements. In these cases import regulations are still under the control of the individual Member States. This often results in the 25 Member States maintaining different separate sets of lists of third countries, lists of establishments, certificate requirements, and inspection programs. For these products, please contact the FAS office in The Hague.

Processed Foods with Animal Products

http://www.useu.be/agri/foodcertif.html.

Plain animal products imported into the EU need animal or public health certification. For processed foods containing animal products, the situation is more complicated because there is no legislation specifying the percentage of dairy, egg, red meat or poultry meat that a foodstuff must contain to necessitate certification. A summary of the Commission's position on foodstuffs containing animal products can be found on http://www.useu.be/agri/foodcertif.html

Plant Products

http://www.useu.be/agri/plantcertif.html

Dutch import regulations on plant products fully comply with EU legislation. Phytosanitary certificates, issued by APHIS, have to accompany fruit, vegetable and nut shipments to the EU.

For more information, please contact:

ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)
PPQ
Export Certification Unit Port Operations Staff
4700 River Road Unit 140
Riverdale MD 20737-1236
Phone: +1-(301)-7348453
Fax: +1-(301)-7345786

Plantenziektekundige Dienst (PD)
Ministry Agriculture, Nature and Food Quality
Geertjesweg 15
Postbus 9102
6700 HC Wageningen
Phone: +31-(0)317-496911
Fax: +31-(0)317–421701
www.minlnv.nl/pd

Food - EUREPGAP

http://www.useu.be/agri/plantcertif.html

Several Dutch retailer organizations, like Laurus and Albert Heijn, request EUREPGAP certification from their suppliers of fresh fruits and vegetables. Currently there are discussions to introduce EUREPGAP certifications for suppliers of meat, seafood, eggs and diary products as well. For more information see GAIN report E23187 and www.eurep.org.

Feed Materials – Good Manufacturing Practice

In The Netherlands, foreign suppliers of feed ingredients must adhere to the Good Manufacturing Practice Plus (GMP+), or to a Quality Control (QC) system based on HACCP. It

should be noted that the GMP is not imposed by the Dutch Government and therefore not legally required. In The Netherlands, the GMP+ was developed and imposed by the Dutch Product Board for Animal Feed (PDV). Currently, most of the U.S. suppliers of feed materials are GMP certified. On July 1, 2004, PDV has extended the GMP+ regulation to include documentation of information about the producer, processors and the port of loading. For more information about the GMP+ program see; http://www.pdv.nl/index_eng.php.

Section VII. Other Specific Standards

Novel Foods
http://www.useu.be/agri/novelfood.html
The Novel Food Regulation (European Parliament and Council Regulation 1997/258/EC) lays down detailed rules for the authorization of novel foods and novel food ingredients. It defines novel foods as foods and food ingredients that were not used to a significant degree in the EU before May 15, 1997, which fall into the following specific categories:

- with a new intentionally modified primary molecular structure, or
- Consisting of or isolated from plants or animals, except for foods and food ingredients obtained by traditional propagating or breeding practices with a history of safe use, or
- to which a production process not currently used has been applied, where that process changes the composition or structure of the food or food ingredient significantly

Warenwetbesluit Nieuwe Voedingsmiddelen

Genetically Modified Foods (GMOs)
http://www.useu.be/agri/GMOs.html

Genetically modified foods need an approval for release in the environment according 2001/18/EC and for use in food according 2003/1829/EC.

The breakdown in the EU's approval process for products made from modern biotechnology has blocked most U.S. exports of corn and hinders trade in other products. Food processors and exporters are either reformulating or seeking non-biotech sources, and the prospect of new mandatory traceability and labeling requirements is causing enormous uncertainty in the feed and seed sectors. Problems exist for both approved products and products currently undergoing the approval process. Biotechnology continues to be more of a political than a scientific issue in Europe and the prospects for improvement remain dim.

Dietetic or Special Use Foods
http://www.useu.be/agri/partnutr.html
Council Directive 1989/398/EC is a framework directive laying down rules for foodstuffs intended for particular nutritional uses. Foodstuffs for particular nutritional uses are foodstuffs which, due to their special composition or manufacturing process, can clearly be distinguished from foodstuffs for normal consumption.

Commission Directive 2001/15/EC lists the chemical substances in each category of nutritional substances (vitamins, minerals and amino acids) that may be added for specific nutritional purposes in foodstuffs for particular nutritional uses.
Warenwetbesluit Producten voor Bijzondere Voeding

Wine, Beer and Other Alcoholic Beverages
http://www.useu.be/agri/wine.html
The U.S. and the EU are in the process of negotiating a bilateral agreement on wine. Exports of U.S. wine to the EU continue under derogations permitting certain U.S. oenological practices, which would otherwise be prohibited. The derogation for U.S. wine making

practices and certification was set to expire in December 2003 (Council Regulation 2001/1037). On December 17, 2003, the EU Agriculture Council approved a two-year extension to the U.S. derogation on wine-making practices, until December 31, 2005 at the latest or until the entry into force of a bilateral agreement (Council Regulation 2003/2324). Two additional derogations on labeling (Commission Regulation 2003/2303) and documentation (Commission Regulation 2003/2338) were also extended until December 31, 2005 (also see GAIN report E23247).

Organic Foods

http://www.useu.be/agri/organic.html

Council Regulation 2092/1991 (consolidated text - last updated 12/23/2003) on organic products covers the following requirements and definitions:

-production and processing methods
-labeling and marketing
-inspection
-imports from third countries

It was supplemented by Regulation 1999/1804 to include livestock production. The term "organic" may only be used for product conforming to these regulations. The translation of the term "organic" in the 17 official EU languages can be found under article 2 of Regulation 1991/2092.

Organic Agriculture, Quality and Production Method

While organic standards have been set at the E.U. level, implementation and enforcement of the regulation is the responsibility of the individual member states. This member state responsibility also extends to imports of organic products. In order to import U.S. organic products, Dutch importers must work through LASER to obtain an import authorization.

Ministry of Agriculture, Nature and Food Quality
Landelijke Service bij Regelingen
LASER
Laan van Nieuw Oost Indie 131
Postbus 20401
2500 EK The Hague
Phone: +31-(0)800-2233322
Fax: +31-(0)79-3786139

Vertical Legislation

http://www.useu.be/agri/vertic.html

Products covered by vertical legislation are:

-Cocoa and chocolate products Directive 2000/36/EC
-Sugars Directive 2001/111/EC
-Honey Directive 2001/110/EC
-Fruit juices and similar products Directive 2001/112/EC
-Preserved milk Basic Directive: 1976/118/EC
-Coffee extracts and chicory extracts Directive 1999/4/EC, Directive 2001/54/EC
-Fruit jam, jellies, marmalades, and chestnut puree Directive 2001/113/EC (amended by Directive 2004/84/EC

Fruit and Vegetables

http://www.useu.be/agri/Fruit-Veg.html

Imports into the EU of fresh fruit and vegetables are checked for compliance with EU-harmonized marketing standards. These standards apply at all marketing stages and include criteria such as quality, size, labeling, packaging and presentation.

Seafood
http://www.useu.be/agri/seafood2.html
The main elements of the EU's Common Market Organization for Fishery and Aquaculture Products are:
-marketing standards (quality, packaging and labeling)
-producers' and interbranch organizations
-price support system
-imports from third countries
Directives 1991/492/EC and 1991/493/EC, as amended, lay down health conditions for domestic and third country production and set standards for handling, processing, storing and transporting bivalve mollusks and fish.

With the implementation of the EU's new food hygiene rules (at the earliest on January 1, 2006), Directives 1991/492/EC and 1991/493/EC will be repealed by Directive 2004/41/EC.

Petfood
http://www.useu.be/agri/petfood.html
All pet food imported from the U.S. into the European Union has to meet requirements relating mainly to health and labeling aspects. These requirements are generally harmonized throughout the 25 EU member states but they are scattered over different pieces of EU legislation.

Section VIII. Copyright and/or Trademark Laws

Copyright
http://www.useu.be/agri/commu.html

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
http://www.useu.be/agri/commu.html

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)70-3491111.

In the Benelux countries, an international trademark can also be registered, as regulated by the Treaty of Madrid.

Since 1996, it has been possible to register Community trademarks in the European Union. The Community trademark was created by Council Regulation 1994/40 and implemented by Commission Regulation 1995/2868. This regulation creates a single, unified registration system covering the whole Community territory. An application for a Community trademark is filed either directly at the Harmonization Office or at a national industrial property office in a member state of the European Union.

Office for Harmonization in the Internal Market
Avenida de Aguilera, 20
03080 Alicante
Spain
Tel. +34-(0)96-5139333

Section IX. Import Procedures

http://www.useu.be/agri/import.html
http://www.useu.be/agri/customs.html
http://www.useu.be/agri/tarreduc.html
http://www.useu.be/agri/taric.html

Council Regulation 1992/2913 establishes the Community Customs Code. The Code lists all the customs procedures applicable to the trade in goods with third countries. Import duties are determined by the tariff classification of goods and by the customs value. With the implementation of the Code, the 25 member states of the European Union form a customs union, meaning that all member states apply the same tariff on goods imported from outside the EU. Once an imported good is cleared in one member state, it can move freely throughout the EU.

A list of VAT rates applicable in the different member states can be found on the Internet at http://europa.eu.int/comm/taxation_customs/publications/info_doc/taxation/tva/taux_tva-2002-5-1en.pdf .
A list of excise duties applicable on alcoholic beverages and tobacco can be found at http://europa.eu.int/comm/taxation_customs/publications/info_doc/taxation/c4_excise_tables.pdf

Customs Clearance
Dutch importers customarily handle all import procedures. Goods can only be cleared if the required shipping documents are available and relevant costs (custom duty, taxes) are paid. Clearance is carried out by the Dutch customs. Some US products may require import licenses or health certificates, as outlined in Section VI. More info on the Dutch customs offices can be obtained at http://www.belastingdienst.nl/9229237/v/e-index.htm

Customs provides information of imports from which the National Inspection Service for Livestock and Meat (RVV) and Dutch Food and Consumer Product Safety Authority (KvW) select the lots for further inspection. The RVV is responsible for the inspection of meat and meat products. The KvW is responsible for the inspection of all non-veterinary products. Regulation 2004/882/EC sets out the standards for control of compliance with the General Food Law.

The entire customs clearance procedure is rapid, provided the U.S. exporter has furnished all necessary documentation. Also, it is recommended that the exporter be fully aware of the necessary shipping documents required for their product. A full listing of these requirements is not readily available.

Exporters should contact their importer, or contact the USDA Office of Agricultural Affairs in The Hague:

Office of Agricultural Affairs
U.S. Embassy
Lange Voorhout 102
2514 EJ The Hague
Tel: +31-(0)70-3109299
Fax: +31-(0)70-3657681
Email: agthehague@usda.gov