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Report Highlights:

This report is an addendum to the GAIN report number E42019-0048 EU Food and Agricultural Import Regulations and Standards (FAIRS) Report, January 10, 2020. It lists the Dutch import regulations and standards that are not harmonized within the EU or where the Netherlands varies from the EU standards.

DISCLAIMER:
While every possible care was taken in the preparation of this report, the information provided may not be completely accurate because policies may have changed since its preparation, or because clear and consistent information about these policies was not available at the time. It is highly recommended that U.S. exporters verify the full set of import requirements with their Dutch buyers, who are in the best position to research such matters with local authorities, before any goods are shipped. Final approval of any product is subject to Dutch regulations and standards as interpreted by border officials at the time of product entry.

This report was prepared by FAS/The Hague and lists the Dutch import regulations and standards that are not harmonized within the European Union (EU) or where the Netherlands varies with the EU. The report should be read in conjunction with the GAIN report number E42019-0048 EU Food and Agricultural Import Regulations and Standards (FAIRS) Report, January 10, 2020. The sections below are numbered to correspond to the numbers in the EU Report. FAS/The Hague recommends to also read the GAIN report number NL2019-0030 Netherlands Food and Agricultural Import Regulations and Standards (FAIRS) – Certification Report, February 02, 2020. These reports can be downloaded on https://gain.fas.usda.gov/#/.

Most but not all food legislation is harmonized at the EU level. However, imported products must meet existing Dutch requirements in cases where EU regulatory harmonization is not yet complete or absent. National measures still exist for the choice of language, use of stickers, samples, packaging waste management, food contact materials, enzymes, processing aids, product registration, novel foods, fortified foods, and gelatin capsules containing fish oil.

Section I. General Food Laws

The Netherlands
As a member of the EU, the Netherlands conforms to all EU regulations and directives. Regulation 178/2002 (General Food Law) is the harmonized regulation which sets out the general principles and requirements of the EU's harmonized food law. The Dutch Food and Drugs Law is called "Warenwet." The Warenwet provides the Dutch regulatory framework for all food and non-food products, and 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 online at http://wetten.overheid.nl/zoeken/ (in Dutch). At this website all other Dutch legislation can be found as

well. If you need further assistance, please contact FAS/The Hague via AgTheHague@fas.usda.gov or +31-70-310-2305.

The Netherlands Food and Consumer Product Safety Authority, or NVWA, is the name of the Dutch food safety authority. Its task is to protect human and animal health. The NVWA monitors food and consumer products to safeguard public health and animal health and welfare. It also controls the whole production chain, from raw materials and processing aids to the consumption of finished products. The NVWA is an independent agency in the Ministry of Agriculture, Nature and Food Quality. The three main tasks of the Authority are: supervision, risk assessment, and risk communication. The NVWA contact details can be found in Appendix I of this report while more detailed information is available at https://english.nvwa.nl/.

On June 1, 2019, NVWA's Laboratory for Food and Feed Safety and Wageningen University and Research's (WUR) RIKILT merged into a new institute called Wageningen Food Safety Research (WFSR) and operate as a part of WUR. This combination increases the knowledge in the field of food and feed safety and food fraud. Whenever there are incidents and crises, the WFSR supports the NVWA, the Ministry of Agriculture, Nature and Food Quality, and the Ministry of Public Health, Welfare and Sport (see Appendix I).

Section II. Labeling Requirements

A. General requirements

Per the EU, the standard U.S. label on food products fails to comply with EU labeling requirements. On December 13, 2014, the EU's new "Food Information to Consumers (FIC)" regulation 1169/2011 became applicable for all pre-packaged food and drink products marketed in the EU, including those imported from non-EU countries. The mandatory nutrition declaration requirement introduced by the new FIC regulation went into effect on December 13, 2016. More information, as well as updates on EU labeling rules, can be found online at http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/.

4. Language requirements

Dutch is the official language of the Netherlands. Therefore, labels must be in Dutch (while additional languages are allowed).

7. Minimum durability

Annex X to the "Food Information to Consumers (FIC)" regulation 1169/2011 sets out rules for the indication of the date of minimum durability, use-by date, and date of freezing. The use-by date must be indicated on pre-packed individual portions. The durability date AND the date of (first) freezing preceded by the words "frozen on" is required on labels of frozen meat, frozen meat preparations, and frozen unprocessed seafood products.

In English:	**In Dutch:**
The date of 'minimum durability' shall be preceded by the words:	
-'Best before'	-'Ten minste houdbaar tot'
-'Best before end'	-'Ten minste houdbaar tot einde'

The ‘use by’ date shall be preceded by the words:
-‘Use by’ -‘Te gebruiken tot’

The date of ‘freezing’ or the date of ‘first freezing’ shall be preceded by the words:
-‘Frozen on’ -‘Ingevroren op’

In the Netherlands, the Dutch government wants to reduce food waste by 50 percent by the year 2030. Together with the food industry and food distributors, the Ministry of Agriculture is discussing the use of ‘best before’ on labels on food products. Although required in the above EU Regulation, many products which have a ‘best before’ date on the label are edible after that date, but are predominantly thrown away out of safety concerns.

12. Nutrition declaration

Article 35 of the Food Information to Consumers (FIC) Regulation 1169/2011 allows Member States to recommend the use of additional forms of expression or presentation on the nutrition declaration. In the Netherlands, out of the three voluntary nutrition labeling schemes, the Dutch government plans to endorse the Nutri-Score scheme as of mid-2021. This scheme includes a color-coded designation from A (best nutritional quality) to E (poorer nutritional quality). Several Dutch retailers and food companies have already voiced support for the Nutri-Score scheme. For additional information, see, for example the GAIN report number NL9024 Dutch Food Company Adds Nutri-score to Packaged Products, September 06, 2019 which can be downloaded on https://gain.fas.usda.gov/#/.

14. Trans fats

In April 2019, Regulation 2019/649 amending Annex III to Regulation 1925/2006 on trans-fat was published in the Official Journal. This new Regulation sets a maximum limit of trans-fat (of 2 grams per 100 grams of fat), other than trans-fat naturally occurring in animal fat, in food, which is intended for the final consumer. The Regulation entered into force in May 2019. However, food which does not comply with this Regulation may continue to be placed on the market until April 1, 2021.

Rules to label the content of trans-fats in food products are not yet EU-harmonized. Certain Member States such as Denmark, Austria, Hungary, and Latvia have set national legal limits on industrially produced trans-fats in foods. In the Netherlands, the food industry, food distributors, and the Ministry of Public Health, Welfare and Sport signed a voluntary agreement, the National Agreement to Improve Product Composition 2014-2020, to further reduce the levels of salt, trans-fats, and calories in food products, and also to produce products with smaller portion sizes.

15. Use of stickers

Packaged food products from the United States are often imported with a standard U.S. label and re-labeled in the Netherlands in order to meet the Dutch labeling requirements. Stick-on labels are accepted in the Netherlands.

16. Samples
Products from the United States that are not approved for export to the Netherlands and are used for research and diagnosis, pathogens, trade samples, and demonstration material purposes in the Netherlands can, in some cases, be granted an import exemption.

For animal and animal products, an import exemption can be requested by completing the following document (in Dutch). Additional information on requesting an import exemption can be found on the website of the NVWA (in Dutch).

For plants, produce, and plant based material, an import exemption can be requested by completing the following document (in Dutch). Additional information on requesting an import exemption can be found on the website of the NVWA (in Dutch).

B. Other Specific Labeling Requirements

3. Genetically Modified (GM) Foods Labeling
While there is an EU regulation for the labeling of genetically modified food products, EU-harmonized legislation defining "non-GM," "GM-free," or similar labeling terms does not exist.

In order to limit the number of labels on packaged food products, the Netherlands is of the opinion that there are three types of food products: GM foods (EU labeling regulations), organic foods (by definition they do not contain GM components (EU labeling regulations)) and conventional food products.

If they want, food companies can mention on their product label that a product is "produced without using genetically engineered technology" (in Dutch: "bereid zonder gentechniek"). In this case they follow the following Dutch regulation Warenwetbesluit nieuwe voedingsmiddelen en genetisch gemodificeerde levensmiddelen.

5. Wine, Beer, and Other Alcoholic Beverages
EU article 16 of Regulation 1169/2011 states that the declaration of the list of ingredients is not mandatory for beverages containing more than 1.2 percent by volume of alcohol. In practice, however, most Dutch beer brewers declare the list of ingredients on their labels.

Section III. Packaging and Container Requirements

B. Packaging waste management
EU 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). In the Netherlands, the Afvalfonds Verpakkingen (Packaging Waste Fund) was established by producers and importers to collectively meet the extended producer responsibilities as outlined in the Packaging Decree and Packaging Agreement. More information can be found on their website https://afvalfondsverpakkingen.nl/en/ and http://www.pro-e.org/netherlands1.htm.

C. Material in contact with food stuffs

An introduction to the European Food Contact Material (FCM) legislation is to be found on the website of the European Commission at: http://ec.europa.eu/food/food/chemicalsafety/foodcontact/documents_en.htm. Member States are allowed to provisionally authorize the use of certain substances not listed in one of the specific EU directives as described in the GAIN report number E42019-0048 EU Food and Agricultural Import Regulations and Standards (FAIRS) Report, January 10, 2020.

In the case of the Plastic Regulation, such additional authorizations can only be granted if the Regulation allows (as is the case with polymer production aids). As a general rule in European law, EU Member States may also restrict or temporarily prohibit the use of certain materials authorized by the specific directives for reasons of public health. This, however, is a practice that is rarely used. When there is no specific EU legislation, EU Member States may establish national measures. The Netherlands has national rules on a number of materials: paper and board, rubber, metals and alloys, glass and glass ceramics, ceramics and enamels, textiles, wood and cork, coatings and varnishes, and colorants and pigments. The Dutch Warenwet covers the legislation on and requirements for food contact materials, detailed information can be found here. The competent authority is the Ministry of Public Health, Welfare and Sport.

Section IV. Food Additive Regulations

C. Enzymes

The existing provisions (in Dutch) in the Netherlands on the marketing of food enzymes will continue to apply until the adoption of an EU positive list of authorized enzymes, which is currently being worked on. In addition, there are restrictions on the use of enzymes in meal and bread in the Netherlands. Guidance documents on the use of enzymes can be found on the European Commission's website at: http://ec.europa.eu/food/safety/food_improvement_agents/enzymes/eu_rules_en. The competent authority is the Ministry of Public Health, Welfare and Sport.

D. Processing aids

EU harmonized rules exist only for certain categories of processing aids: a list of extraction solvents allowed in the production of foodstuffs and food ingredients, along with their conditions of use has been established in Council Directive 2009/32/EC. Processing aids that are subject to Dutch legislation can be found in the 'Warenwetbesluit Bereiding en Behandeling van Levensmiddelen' and 'Warenwetregeling Extractiemiddelen.' The competent authority is the Ministry of Public Health, Welfare and Sport.

Section V. Pesticides and Contaminants

A. Pesticides

EU Regulation 1107/2009 sets out rules for the authorization of plant protection products. For the authorization/withdrawal of plant protection products, the EU is divided into three zones. The Netherlands, together with Belgium, Czech Republic, Germany, Ireland, Luxembourg, Hungary, Austria, Poland, Romania, Slovenia, and Slovakia, falls in Zone B – Centre (see Annex I of regulation 1107/2009).

Section VI. Other Requirements, Regulations, and Registration Measures

A. Certification and Document Requirements

Composite products
Composite products that need to be accompanied by a composite health certificate have been a problem due to the requirement that more than one ingredient needs to be certified according to EU certification requirements. At the time of this report's publication, those which only contain dairy and egg products can be exported to the Netherlands.

B. Inspections

All consignments to be presented at the border control posts have to undergo documentary checks. Identity and physical checks are carried out at a frequency depending on the risk linked to the specific animals or goods. The criteria to determine and modify the frequency of rates are established by the Commission. The list of products subject to official controls at border posts was updated with effect from December 14, 2019 in Commission Implementing Regulation (EU) 2019/2007. For more information about new requirements, please see read the GAIN report EU Food and Agricultural Import Regulations and Standards (FAIRS) – Certification Report for 2020 (to be published).

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 website of the Dutch Accreditation Council at: https://www.rva.nl/en/accredited-organisations/all-accredited-bodies. Different laboratories are accredited for different types of controls.

Dutch Accreditation Council (RVA)
P.O. Box 2768, 3500 GT Utrecht, the Netherlands
Phone: +31-30-239-4500
Email: contact@rva.nl
Website: https://www.rva.nl/en

D. Product registration

Certain foods, such as total diet replacements for weight control, fall within the scope of the EU's Foods for Specific Groups Regulation 609/2013 and must be notified to the competent authority of the Member State where the food is marketed.

Exporters of vitamin-enriched foods or nutritional supplements are advised to check for the existence of specific EU Member State registration or notification requirements. The competent authority in the Netherlands is the Ministry of Public Health, Welfare, and Sport.

Section VII. Other Specific Standards

A. Novel foods

The EU framework regulation 2015/2283 on Novel Foods became applicable on January 1, 2018. Food business operators are responsible for verifying whether the food or ingredient they intend to market in the EU is novel or not. Novel Food regulation 2015/2283 provides for a consultation process when the status of a food or food ingredient is unsure. Commission Implementing Regulation 2018/456 lists the procedural steps that food business operators must follow to consult with the competent authority of the EU Member State where they first intend to market their product. The competent authority in the Netherlands is the Ministry of Public Health, Welfare, and Sport.

Consultation requests should be sent electronically to the novel food assessment body:

Medicines Evaluation Board (CBG-MEB)
Novel Food Unit
P.O. Box 8275
3503 RG Utrecht, the Netherlands
Email: novelfoods@cbg-meb.nl
Website: https://english.cbg-meb.nl/

D. Fortified foods

EU Regulation 1925/2006 sets out harmonized rules on the addition of vitamins and minerals to food. However, maximum permitted levels of vitamins and minerals are not yet harmonized and are still subject to Member State national rules. In the Netherlands, these national rules are regulated in the Dutch Decision Warenwetbesluit toevoeging micro-voedingsstoffen aan levensmiddelen. The competent authority is the Ministry of Public Health, Welfare, and Sport.

F. Food supplements

Regulation (EC) No 999/2001 has been amended by Commission Implementing Decision 2016/1196. As a result, the Dutch import requirements have changed. U.S. manufacturers of gelatin capsules containing fish oil who wish to export to the Netherlands need, in addition to a fishery certificate issued by U.S. Department of Commerce's National Oceanic and Atmospheric Administration (NOAA), a TSE attestation per Annex V to Regulation (EC) No 999/2001.

G. Irradiated foodstuffs

Harmonization of EU rules on food irradiation has been slow and only a few products have so far received EU-wide approval. Until the EU positive list is expanded, national authorizations continue to apply. When the requirements in the Dutch Decision Warenwetbesluit Doorstraalde Waren are met, it is possible to import irradiated food products from the United States into the Netherlands. The main requirements are that the treatment must have taken place at an EU-approved facility and that each shipment must include the name and address of this approved facility. The competent authority is the Ministry of Public Health, Welfare, and Sport.

In English:	**In Dutch:**
If products treated with ionizing radiation, are sold, the words 'irradiated' or 'treated with ionizing radiation' shall appear on the label.	In the Netherlands the label should mention 'doorstraald,' 'door straling behandeld,' or 'met ioniserende straling behandeld.'

H. Seafood
On March 8, 2018, the U.S. Food and Drug Administration published a proposed determination that the EU's shellfish safety program is equivalent to the U.S. system. If the determination becomes final, Massachusetts and Washington State will once again be able to send bivalve molluscan shellfish to the European market – a first since 2010. These states are the first, and FDA is committed to continuing to work with the EU on procedures to add more states. Background and more detailed information can be found online at: https://www.fda.gov/Food/NewsEvents/ConstituentUpdates/ucm599904.htm.

Detailed information on shipping seafood and fish products to the EU is provided online at: https://www.fisheries.noaa.gov/national/seafood-commerce-certification/export-certification-european-union.

Section VIII. Trademarks, Brand Names, and Intellectual Property Rights

A. Trademarks
The Netherlands' Office for Intellectual Property is the official government body responsible for granting patents, designs, trademarks, and copyright. Exporters wanting to register trademarks/brand names are advised to contact:

The Office for Intellectual Property
Bordewijklaan 15, 2591 XR The Hague, the Netherlands
Phone: +31-70-349-1111
Website: www.boip.int

More detailed information on trademarks can be found here.

Section IX. Import Procedures

Animal and plant products are brought in from countries all over the world into the European Union. To prevent the introduction of animal diseases and pests, and to protect the market from public health risks, the European Commission set out detailed regulations. On this basis, the Dutch NVWA performs checks on:

Live animals (such as horses, chickens, and ornamental fish) and products of animal origin (such as meat, fish, wildlife, and animal feed): More detailed information on the import procedures for animals and products of animal origin can be found on the following websites: https://english.nvwa.nl/topics/themes/animal-health and https://www.nvwa.nl/onderwerpen/import-van-dieren-en-producten-van-dierlijke-oorsprong.

Food stuffs (such as vegetables, dried fruits, spices, nuts, and seeds): More detailed information on the import procedures for food stuffs can be found on the following websites: https://english.nvwa.nl/topics/themes/food-safety and https://www.nvwa.nl/onderwerpen/import-van-levensmiddelen-en-consumentenproducten.

Plant products: Veterinary checks are applicable to some plant products, especially hay and straw. These products may only be imported from certain countries. More detailed information on the import

procedures for plant products can be found on the following websites: https://english.nvwa.nl/topics/themes/plant-health and https://www.nvwa.nl/onderwerpen/import-planten-groenten-fruit-plantaardige-producten.
The CITES regulations (CITES: Convention on International Trade in Endangered Species of wild flora and fauna) are, in addition to the national and EU legislation, applicable on the import of live animals, animal products, food, and plant products into the Netherlands.

Below is an overview of the possible checks:

Documentary check: This is an examination of the original required documents that accompany the consignment based on model certificate according to EU legislation. The documentary check is carried out by Customs based on an agreement between Ministry of Agriculture, Nature, and Food Quality and the Ministry of Finance.

Identity check: This is to ascertain that the products correspond to the information given in the accompanying certificates or documents. All veterinary goods undergo an identity check and this check is conducted by comparing the seal number of the container with the seal number mentioned on the Health Certificate. 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: This is a check on the product itself to verify compliance with the food or feed law.

If the NVWA decides to detain a shipment, it will draw up an official notification which will be sent to the freight forwarder. This notification will mention the reason why this shipment was detained and what needs to be done in order to release it. If the NVWA **plans to reject** a shipment it will draw up this notification; if the NVWA **has decided to reject** a shipment it will draw up this notification. Additional information on the Border Inspection Post (BIP) procedure can be found here.

Obtaining the product's commodity code: In the Netherlands, it is possible to obtain Binding Tariff Information (BTI) by contacting the Tax Office and completing the application form. This service is advisable for especially more complex food products, as it involves closer consideration of the product's composite ingredients and is legally binding. The BTI is valid for three years. With a BTI both the U.S. exporter and the Dutch importer know how the goods are classified and what documentation is required. As of October 1, 2019, business operators shall introduce all new applications electronically. More information is available on the EC's website.

Tax Office
Belastingdienst Douane
Regio Rotterdam Rijnmond
Team Bindende Tariefinlichtingen
PO Box 3070, 6401 DN Heerlen, the Netherlands
Phone: +31-88-153-4414

Appendix I. Government Regulatory Key Agency Contacts

Ministry of Agriculture, Nature and Food Quality
PO Box 20401, 2500 EK The Hague, the Netherlands
Phone: +31-70-379-8911
Website: https://www.rijksoverheid.nl/ministeries/ministerie-van-landbouw-natuur-en-voedselkwaliteit

Ministry of Finance
Korte Voorhout 7, 2511 CW The Hague, the Netherlands
Phone: +31-70-342-8000
Website: https://www.rijksoverheid.nl/ministeries/ministerie-van-financien

Ministry of Health, Welfare and Sport
Department for Nutrition, Health Protection and Prevention
Team Food Safety
P.O box 20350
2500 EJ The Hague, the Netherlands
Phone: +31-70-340-6957
E-mail: dienstpostbusVGP-secretariaat@minvws.nl
Website: https://www.rijksoverheid.nl/ministeries/ministerie-van-volksgezondheid-welzijn-en-sport

The Netherlands Food and Consumer Product Safety Authority (NVWA)
PO Box 43006, 3540 AA Utrecht, the Netherlands
Phone: +31-88-223-3333
Email: info@nvwa.nl
Website: www.nvwa.nl

Appendix II. Other Import Specialist Contacts

There are no other import specialist contacts.

Attachments:

No Attachments