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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, are 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.

DISCLAIMER: This report was prepared by the Office of Agricultural Affairs in The Hague (FAS/The Hague) for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation 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 IMPORT APPROVAL OF ANY PRODUCTS IS SUBJECT TO THE IMPORTING COUNTRY’S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

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Executive Summary

The Netherlands is a Member State of the European Union (EU). Accordingly, we strongly recommend that this report be read in conjunction with the [EU Food and Agricultural Import Regulations and Standards \(FAIRS\) Export Certificate Report](#). Ports in the Netherlands function as the major entry point for agricultural exports to Northwestern Europe. FAS/The Hague regularly assists in releasing shipments from the United States. The most frequent reasons for detainment are: selection of the wrong Harmonized System (HS) code, incorrect description of the goods, missing certificate statements, or issuance of the wrong certificate model. The most frequent products which are detained are meat, dairy, and composite products. After April 2021, the EU will implement [new rules of the certification of composite products](#).

Section I List all the Export Certificates required by Government

The Netherlands, as a Member State of the European Union (EU), conforms to all EU regulations and directives. We therefore recommend that this report be read in conjunction with the [EU Food and Agricultural Import Regulations and Standards \(FAIRS\) Export Certificate Report](#), published October 14, 2020. 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). In 2019, Dutch imports of U.S. agricultural and related products reached \$3.0 billion, and increased by one percent during the first seven months of 2020, compared to the same period last year. The main agricultural and food products being imported from the United States were soybeans, food preparations, almonds, ethanol, and beef.

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 most frequent products which are detained are meat, dairy, and composite products. The main reasons provided for detained shipments from the United States are generally as follows, in order of prevalence:

- selection of the wrong Harmonized System (HS) code (in box I.19) and/or incorrect description of the goods (in box I.28);
- missing statements or references in the certificate;
- the shipper using the wrong/old certificate model, or a certificate is absent;
- incorrect strike outs of standard text in certificates and/or the requisite initials missing by strike outs;
- the shipment was not registered in the European Union's (EU) Trade Control and Expert System (TRACES);
- the stamp is missing (on one or more pages), unclear, or the stamp is not original;
- there were typographical errors (such as the wrong EU plant approval number);
- the certificate was issued after the date of departure; and
- the copy of the certificate is not the original.

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

Section II Purpose of Specific Export Certificate(s)

Please read the [EU FAIRS Export Certificate Report](#).

Section III Specific Attestations Required on Export Certificates(s)

Please read the [EU FAIRS Export Certificate Report](#).

Section IV Government Certificate Legal Entry Requirements

Please read the [EU FAIRS Export Certificate Report](#).

Section V Other Certification/Accreditation Requirements to ensure market entry

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, all of the new requirements have not yet been officially published.

Dating Certificates

One of the EU's requirements is that: "(t)he 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, the USDA's Food Safety and Inspection Service (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 an EU-wide requirement, FAS/The Hague notes that errors in dating a certificate have led to detained shipments in the past 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. Some advantages of e-certification are 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's 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 are required to 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 the 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 EU has created a model health certificate for imports of composite products, which was implemented in 2012. A detailed "Product Decision Tree" to clarify the scope of the legislation was made available by the European Commission 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 to address a wide range of implementation questions related to the import and transit of composite products.

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

The current certification requirements for composite products will continue to apply until April 21, 2021. After that date, entry requirements will no longer be based on the percentage of ingredients of animal origin but rather on the animal health or public health risk linked to the composite product itself. For more information see the [EU FAIRS Export Certificate Report](#).

APPENDIX I Electronic Copy, scanned copy, or Outline of Each Export Certificate

Please see the [EU FAIRS Export Certificate Report](#).

Attachments:

No Attachments