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## **Netherlands Antilles**

**Post:** Miami ATO

### **Sint Maarten FAIRS Country Report**

**Report Categories:**

Food and Agricultural Import Regulations and  
Standards - Narrative

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**Report Highlights:**

Updated Sections: All.

With its duty-free status and limited import regulation, Sint Maarten has traditionally been an open market for U.S. food and agricultural products. However, with its newly acquired autonomous country status, within The Kingdom of the Netherlands, Sint Maarten is beginning to develop its own food safety, and plant and animal health regulatory systems. Of course, development and implementation of these regulatory systems will take time. Thus, for the time being no significant changes to Sint Maarten's import-friendly handling of incoming U.S. products is expected.

## General Information:

This report was prepared by the Caribbean Basin Agricultural Trade Office of the USDA/Foreign Agricultural Service in Miami, Florida, for U.S. exporters of domestic food and agricultural products. While every possible care was taken in 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 PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF THE PRODUCT ENTRY.**

## Section I. General Food Laws

Following the October 10, 2010 dissolution of the Netherlands Antilles (commonly referred to as 10-10-10); Sint Maarten became an autonomous country within the Kingdom of the Netherlands. As such, Sint Maarten is transitioning from being part of a dependent Dutch collectivity to a mostly self-governing country (the Netherlands still retain responsibility for foreign affairs and defense). In terms of regulating imports of food and agricultural products, the first stage of the transition involved adopting existing Netherlands Antilles legislation as Sint Maarten legislation, which in essence maintained the status quo. The main legislation governing food and agricultural products is the Commodities Act (formerly the Netherlands Antilles Food Law 334 of 1997). As this law is quite general, Sint Maarten authorities are working toward developing more detailed food safety legislation (which could be introduced to Parliament as early as 2016) as well as plant protection legislation. Development of animal health legislation will be further down the line. For the time being, no significant changes to Sint Maarten's import-friendly handling of incoming U.S. products are expected.

It should be noted that Sint Maarten shares its island territory with the French overseas collectivity of Saint Martin. Interestingly, there is no Customs or Immigration control between the two, so movement of people and goods between the two sides is essentially unrestricted. Most, if not all U.S. products enter the island through the Dutch side of Sint Maarten. While U.S. products may be available throughout the island, they are generally more prevalent on the Dutch side given consumer preferences.

## Section II. Food Additive Regulations

Additives are dealt with very broadly in the Commodities Act. Neither a positive list of allowable additives nor a negative list of prohibited substances is used. Authorities rely on Codex standards when issues arise.

## Section III. Pesticide and Other Contaminants:

Sint Maarten has adopted Netherlands Antilles Legislation on pesticide use, which dates back to 1961. Currently, the Inspectorate of Public Health and the Pharmaceutical Inspectorate oversee issues related to pesticides and residues. Establishment of a pesticide advisory board is being considered. Pesticides are required to be registered 3 months in advance of importation, but the requirement is not being fully implemented. The Inspectorate of Public Health maintains a list of prohibited pesticides similar to the list that was in place prior to 10-10-10. Sint Maarten does not set its own maximum residue limits for pesticides and other contaminants in food products. For this they rely on internationally accepted Codex standards and/or U.S. guidance.

#### Section IV. Packaging and Container Requirements:

Packaging is not really addressed in the Commodities Act. Thus, Sint Maarten does not impose any packaging restrictions on U.S. food products.

#### Section V. Labeling Requirements:

Sint Maarten accepts U.S. labels and imposes no additional labeling requirements on U.S. products. Sint Maarten has no nutrition-specific labeling requirements and accepts U.S. Recommended Daily Intake (RDI) information as well. Currently, labels are accepted in English, Dutch, Papiamentu and Spanish. Stick-on-labels are not allowed, although this is not really an issue for U.S. food products.

Space limitations at the Port of Philipsburg make product inspection difficult there. Therefore, most inspection of products is done at the retail and wholesale levels, not at the port of entry. Moreover, the government has limited resources in terms of customs and food safety inspection personnel, which is why inspection is largely conducted on a case-by-case basis when issues arise.

#### Section VI. Other Specific Standards:

No special import permits or licenses are required. U.S. exporters should be aware that while a phytosanitary export certificate for plant products (e.g. fresh produce) is not presently required, it is expected to be required when the anticipated plant protection legislation enters into force. Shipments of meat products and other animal products require a health certificate from the appropriate regulatory agency in the country of origin. New legislation currently under development will reportedly require a health certificate on all imported perishable products.

#### Section VII. Facility and Product Registration Requirements

Like the majority of Caribbean nations, Sint Maarten does not require facility registration of foreign establishments or sanitary registration of food products, relying instead on enforcement of its import and labeling regulations.

#### Section VIII. Other Certification and Testing Requirements:

Products are not required to be registered or laboratory tested. Product samples shipped via express mail or parcel post enter Sint Maarten unrestricted. As mentioned earlier, products are mostly monitored at the retail/wholesale level. Government resources for monitoring and inspection are quite limited.

#### Section IX. Import Procedures:

Customs clearance is done by an importer or Customs broker. Upon presentation of normal import documentation (commercial invoice, bill of lading, and health certificate where required), the shipment is reviewed and if accepted it is entered into the Customs Department electronic system.

The length of time for clearance depends on a variety of factors, such as, the number of container ships arriving at the same time, and how quickly they can be unloaded and transported to the importer. Perishable goods have priority and usually are cleared within one day. Dry goods can be cleared within 2-3 days

#### Section X. Copyright and/or Trademark Laws:

Given the absence of an intellectual property agency specific to Sint Maarten on 10-10-10, the responsibility of trademark registration in Sint Maarten was provisionally assumed by the Bureau of Intellectual Property of Curacao (BIP CW). However, on Oct. 1, 2015 trademark registration transitioned from the BIP CW to the newly established Bureau of Intellectual Property of Sint Maarten (BIP SXM). BIP SXM is an independent government body incorporated by 'the National Ordinance of the Bureau for Intellectual Property Sint Maarten' and operating under the Ministry of Tourism, Economic Affairs, Transport and Telecommunications. As an autonomous country within the Kingdom of the Netherlands, Sint Maarten has its own jurisdiction for intellectual property rights.

Trademark registration, which is voluntary, affords trademark protection for a 10 year period and is renewable, upon request, for unlimited periods of 10 years. Searches for registered trademarks can be performed free of charge via the BIP SXM website ([www.bip.sx](http://www.bip.sx)). Applications for trademark registrations may be filed by submitting the proper form and paying the required fees, which are also listed on the BIP SXM website. The application form & instructions, and the explanatory notes can be downloaded from the BIP SXM website and once the application is completed it may be submitted via email. Alternatively, the application can also be completed online, which is the preferred method of submittal in order to minimize errors. Trademark agents can often assist applicants with the application process if needed. The BIP SXM expects to publish a list of authorized agents on its website. Until then, U.S. companies may contact the BIP SXM to obtain such a list (See Appendix I for complete contact information).

Upon approval of an application meeting all the requirements, the trademark is registered in the trademark registry and published accordingly. The applicant is also granted a registration certificate. To maintain exclusive rights, the owner of the registration must use and monitor the trademark, ensure timely renewal and keep the information up to date (in the event of a logo change, a new application must be submitted). It is worth noting that registrations made previously with the Bureau of Intellectual

Property of the Netherlands Antilles will remain in effect throughout the former Netherlands Antilles (Curaçao, Sint Maarten, Saba, Sint Eustatius, and Bonaire) until their expiration. Similarly, registrations made by the BIP CW on behalf of Sint Maarten (until September 30, 2015), will also remain in effect until their expiration.

#### Appendix I. Government Regulatory Key Agency Contacts:

##### FOR FOOD IMPORT REGULATIONS, CONTACT:

Inspection Department TEZTT - Agriculture, Livestock & Fisheries (processed foods)  
Ministry of Tourism, Economic Affairs, Traffic & Telecommunication  
Cannagieter Street nr. 23A  
Philipsburg, Sint Maarten  
Tel: 1 (721) 542-5641, 542-9887  
Fax: 1 (721) 542-3800

Inspection Department TEZTT - Agriculture, Livestock & Fisheries (animal, plant & seafood products)  
Ministry of Tourism, Economic Affairs, Traffic & Telecommunication  
Cannagieter Street nr. 23A  
Philipsburg, Sint Maarten  
Tel: 1 (721) 542-5641, 542-9887  
Fax: 1 (721) 542-3800

##### FOR CUSTOMS PROCEDURES, CONTACT:

Customs Department  
Philipsburg, Sint Maarten  
T: 1 (721) 542-1000  
F: 1 (721) 542-1001

##### FOR INTELLECTUAL PROPERTY ISSUES, CONTACT:

Bureau for Intellectual Property of Sin Maarten  
Cannegieter Street #15, Unit 4.1  
Philipsburg, Sint Maarten  
Tel: 1 (721) 524-58151E-mail: [info@bip.sx](mailto:info@bip.sx) (general inquiries), [trademarks@bip.sx](mailto:trademarks@bip.sx) (for purposes of submitting registration applications)

Website\*: [www.bip.sx](http://www.bip.sx)

*\* The above website is provided for the readers' convenience; USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained in such website.*

#### Appendix II. Other Import Specialist Technical Contacts:

Caribbean Basin Agricultural Trade Office  
Foreign Agricultural Service  
U.S. Department of Agriculture  
909 SE 1st. Avenue, Suite 720  
Miami, FL 33131  
Tel: (305) 536-5300  
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E-mail: [atocaribbeanbasin@fas.usda.gov](mailto:atocaribbeanbasin@fas.usda.gov)  
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