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Netherlands

Food and Agricultural Import Regulations and Standards

Country Report

2003

Approved by:
Roger Wentzel
U.S. Embassy, The Hague

Prepared by:
Marcel Pinckaers

Report Highlights:
This report outlines regulations on Food and Agricultural imports into the Netherlands

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

Table of Contents

Section I. Food Laws

Harmonization within the EU
Originally created as a customs union, the EU slowly is becoming a single market and is harmonizing legislation between the 15 Member States. Regulation EC No 178/2002, published in January 2002, sets out the general principles and requirements of EU harmonized food law. Imported products must meet existing Member State requirements in cases where EU regulatory harmonization is not yet complete. Since the Netherlands is an important trader, Dutch rules generally mirror EU rules.

The EU has followed a dual approach in harmonizing food laws. 'Horizontal' legislation covers aspects that are common to all food products (for instance: using the Dutch language for labeling products). 'Vertical' legislation covers aspects that are sector specific (for instance: a list of EU approved beef slaughter facilities).

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, in registration fees and in the time required to evaluate dossiers on products used in the course of the food production process.
(www.useu.be/agri/harmonization.html)

The Netherlands
The "Warenwet" (Food and Drugs Act) provides the Dutch regulatory framework for all food and non-food products. This Act is applicable to domestically produced and imported products. Main objectives of this law are (1) health protection, (2) product safety (3) ensuring provision of adequate and correct information and (4) promotion of fair trade. Reforms of the Dutch Food and Drug Act are published in the "Staatscourant". The Act itself can be found on http://wetten.overheid.nl

Through the "Keuringsdienst van Waren" and the "Rijksdienst keuring Vee en Vlees", the Dutch Food and Drug Authority (VWA) has the authority to control the Dutch Food and Drugs Act. The Dutch Food and Drug Authority is a part of The Ministry of Agriculture, Nature Management and Food Quality. (www.vwa.nl)

Voedsel en Waren Autoriteit (VWA)
Postbus 19506
2500 CM Den Haag
phone: +31 70 448 4848
fax: +31 70 448 4747
www.vwa.nl
info@vwa.nl

Section II. Labeling Requirements

A General Requirements

1. Scope of Labeling Law

General rules on the labeling, presentation and advertising of foodstuffs marketed in the EU are laid down in the European Parliament and Council Directive 2000/13/EC + corrigendum (English version of Annex III). This directive consolidates general labeling directive 79/112/EEC and all its amendments in a single text. It applies to food products intended for supply to food retail and foodservice. (www.useu.be/agri/label.html)

Dutch legislation closely follows EU legislation. See below where they may differ. In the Netherlands, the general labeling requirements have been laid down in the "Warenwetbesluit Etikettering van Levensmiddelen" (Royal decree concerning food labeling). The Royal decrees with detailed labeling requirements can be found at http://wetten.overheid.nl Note: Link is in Dutch. If importers/partners are unable to translated contact OAA

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 (institutions). The labeling requirements for food products sold to the food processing industry and parts of the food service industry (no direct contact with the consumer) are somewhat different (see 1.6).

1.2 The Description

The food product must be described in such a way that the buyer understands the nature of the product and its composition ("Warenwetbesluit Etikettering van Levensmiddelen" art. 4).

1.3 Listings

1.3.1 Ingredients

All ingredients should be listed, in descending order of weight. In general, ingredients have to be listed under their specific names. However, for some categories of ingredients (natural ingredients or foodstuffs) generic names may be used.

Additives must be listed by their customary names or by their E-number; this has to be preceded by the name of the additive category (section IV Additives).

Sometimes an additive can be used in more than one function. In that case the manufacturer of the food in question should mention on the label the category that corresponds to the specific use. (Additives carried over from ingredients must be declared only if they have an effect on the final product. Declaration of processing aids, solvents, etc., used in the production process, is not required.) In case special emphasis is placed on the presence or the high or low content of an ingredient, the percentage must be stated in the list of ingredients. (www.useu.be/agri/label.html) ("Warenwetbesluit Etikettering van Levensmiddelen" art. 6).

1.3.2 Net Quantity

Fluid food products or food products that can be drunk need a liter (l), a centiliter (cl) or a milliliter (ml) indication on the label. Other food products are expressed on the label in grams (g) or kilograms (kg).

The listed net quantity is to be considered as a minimum, applicable to each individual packaging. It is, however, possible to employ a system of declaration of the average net quantity. In this case, net content must be labeled in combination with the character "e,"

for example: e 500 g.

The e-system may only be used on the basis of specific requirements concerning the acceptable variations and upon the certification of a detailed control system. This system must be managed by the Dutch packer or importer and will be checked by the Dutch authorities ("Warenwetbesluit Etikettering van levensmiddelen" art. 11).

1.3.3. Other Required Listings

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 of 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):

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.

(www.useu.be/agri/label.html#QUID) ("Warenwetbesluit Etikettering van Levensmiddelen" art. 10).

Instruction for storage and/or use:

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:

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:

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:

A mark to identify the lot to which a foodstuff belongs, 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) and/or ("Warenwetbesluit Etikettering van Levensmiddelen" art. 22).

Frozen:

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 consumer can store the frozen product. Finally it must mention that thawed products may not be frozen again: “na ontdooiing niet opnieuw invriezen.” (www.useu.be/agri/frozen.html) and/or (“Warenwetregeling Diepgevroren levensmiddelen” art. 6).

Sweeteners:
The use of sweeteners must be mentioned near the product name/designation by the words “met zoetstoffen.” If a combination of sugars and sweeteners has been added, the words “met suikers and zoetstoffen” must be mentioned here (“Warenwetbesluit Zoetstoffen” art. 9).

Packaged in a Protective Atmosphere:
For foodstuffs whose durability has been extended by means of packaging gases (in conformity with EC council directive 89/107), the words “verpakt onder beschermende atmosfeer” must be included on the label (“Warenwetbesluit Etikettering van Levensmiddelen” art. 22a).

Biotech Food and Feed:
On July 2, 2003, the European Parliament voted to approve the “Labeling and traceability” proposal. This proposal mandates that all foods and feed produced from Biotech products, including products that no longer contain detectable traces of Biotech products must be labeled as containing Biotech ingredients. The allowable level of adventitious presence for EU-approved varieties of Biotech is set at 0.9 percent. Above this level, all products must be labeled. Operators must demonstrate that the presence of GM material was adventitious or technically unavoidable. For GM varieties, which are not yet formally approved but which have received a positive EU risk assessment, the adventitious presence level is set 0.5 percent. This provision will expire after 3 years. Above this threshold, the product is not allowed on the EU market. The regulation does not require labeling of products that are not food ingredients, such as processing aids. Meat, milk or eggs obtained from animals fed with GM feed or treated with GM medicinal products do not require GM labeling. For more information on the labeling of processed products see GAIN report E23197.

1.4 Placing of Descriptions and Listings
Descriptions and listings have to be placed in such a way they are clearly visible and easy readable (“Warenwetbesluit Etikettering van Levensmiddelen” art. 23).

2. Specify Languages
The language to be used is Dutch. It is permitted to mention information in other languages as well (“Warenwetbesluit Etikettering van Levensmiddelen” art. 23).

3. Standard US Label
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
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 and shall not mislead the consumer (“Warenwetbesluit Etikettering van Levensmiddelen” art. 24).

5. Enforcement of Labeling Regulations
The food product must have the correct label before it is sold to the consumer (“Warenwetbesluit Etikettering van Levensmiddelen” art 1).

6. (1) Sample-size products or (2) Institutional packed products

(1) For sample-size products the same requirements apply ("Warenwetbesluit Etikettering van Levensmiddelen" toelichting art. 1)
(2) For food products that are used by large institutions: individual product packaging does not necessarily have to comply fully with normal labeling requirements. Purchased quantity (i.e. pallet, box, etc) however 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

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. More information on Health claims in the Netherlands can be found on www.koagkag.nl.

8. (1) Shelf-life or (2) Country-of-Origin Requirements

(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: ("Warenwetbesluit Etikettering van Levensmiddelen" art. 16).

Minimum Durability	
Tenminste houdbaar tot:	Day, Month, Year 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

(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 Labelling

Do authorities grant exception to their labeling regulations (i.e. containers of food to be processed, labeled or repacked)? Who grants an exception? Under what circumstances would an exception to the labeling law be given? No, only the Minister can do so but this would be very rare.

B Requirements Specific To Nutritional Labeling

Nutritional Labeling Requirements

Nutrition labeling is not mandatory in the EU unless a nutrition claim is made on the label or in advertising messages.

Nutrition labeling rules are laid down in Council Directive 90/496/EEC. "Nutrition labeling" means any information on the label that relates to energy value and to the following nutrients: protein, carbohydrate, fat, fibre, sodium, vitamins and minerals present in

significant amounts.
A "nutrition claim" means any representation or advertising that claims that a foodstuff has particular nutritional properties, and is only allowed if it relates to the energy value and/or nutrients referred to above. Where nutrition labeling is provided, the information to be given should consist of either group 1 or group 2 in the following order:

Group 1	Group 2
◆ the energy value ◆ the amount of protein, carbohydrate and fat	◆ the energy value ◆ the amount of protein, carbohydrate, sugar, fat, saturates, fibre and sodium

The energy value and the proportion of nutrients must be declared in specific units per 100 grams or per 100 milliliters. The information on the label must be presented in tabular form with the numbers aligned or if space does not permit, in linear form in a language easily understood by the purchaser (http://www.useu.be/agri/label.html) ("Warenwetbesluit Voedingswaarde-informatie Levensmiddelen").

Nutrient Content Claims
A "Nutrition Claim" means any representation or advertising that claims that a food product has particular nutritional properties and is only allowed if it relates to the energy value and/or the following nutrients: protein, carbohydrate, fat, fibre, sodium, vitamins and minerals present in significant amounts.
(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:

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).

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).

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).

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).

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).

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).

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).

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/EC) RDI.

("Warenwetbesluit Voedingswaarde-informatie Levensmiddelen").

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. More information on Health claims in the Netherlands can be found on www.koagkag.nl.

Section III. Packaging and Container Regulations

Council Directive 76/211/EEC provides rules for container sizes, acceptable tolerances on container content and requirements for the size of the figures indicating container content. (www.useu.be/agri/packaging.html)

Council Directive 76/211/EEC sets standards for quantity indications for food containers.

Weight of Contents	Capacity of Contents	Volume of Contents	Minimum Size of Numbers
Not exceeding 50 g	Not exceeding 5 cl	Not exceeding 5 cl	2 mm
Exceeding 50 g, not exceeding 200 g	Exceeding 5 cl, not exceeding 20 cl	Exceeding 5 cl, not exceeding 200 cl	3 mm
Exceeding 200 g, not exceeding 1 kg	Exceeding 20 cl, not exceeding 1 liter	Exceeding 200 cl, not exceeding 1000 cl	4 mm
Exceeding 1 kg	Exceeding 1 liter	Exceeding 1000 cl	6 mm

Council Directive 80/232/EEC prescribes allowable 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 ("Warenwet Verpakkingen- en Gebruiksartikelen").

Materials in Contact with Foodstuffs

Council Directive 89/109/EEC 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, purity standards. To date, specific directives have been developed for vinyl chloride, plastics, regenerated cellulose film, ceramics and the use of certain epoxy derivatives in plastic materials, surface coatings and adhesives. In the case of ceramics, migration limits have been established for two of their constituents, namely lead and cadmium. Materials must bear an indication "for food use", which can be replaced by the specific symbol designed in Council Directive 80/590/EEC.
(www.useu.be/agri/packaging.html) ("Warenwet Verpakkingen- en Gebruiksartikelen").

Packaging Waste Management
Member States are required to take measures to limit the formation of packaging waste and must introduce systems for reuse, recovery and recycling of packaging materials (Council Directive 94/62/EC). Commission Decision 2001/524/EC relates to the publication of references for certain EN standards in the Official Journal which do not fully meet the essential requirements of Directive 94/62/EC. To facilitate collection, reuse and recovery including recycling, an identification system for packaging has been drawn up (Commission Decision 97/129/EC). Its use is voluntary ("Warenwet Verpakkingen- en Gebruiksartikelen").

Section IV. Food Additive Regulations

Council Directive 89/107/EEC provides for the establishment of EU harmonized positive lists of a wide range of food additives. All food additives not included 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, these can be found on http://europa.eu.int/eur-lex/en/index.html. Processing aids, flavorings, substances added to foodstuffs as nutrients such as minerals, trace elements and vitamins do not fall under the scope of this directive and continue to be subject to Member States legislation.
(http://www.useu.be/agri/additive.html).

Sweeteners
European Parliament and Council Directive 94/35/EC, as amended (consolidated text), outlines regulations on sweeteners for use in foodstuffs. The annex to this directive list maximum usable dose for sweeteners in selected foodstuffs ("Warenwetbesluit Zoetstoffen").

Colors
European Parliament and Council Directive 94/36/EC on colors controls their use in foodstuffs and includes:

Annex I: list of permitted food colors. Only substances listed in this annex may be used.
Annex II: foodstuffs which may not contain added colors.
Annex III: foodstuffs to which only certain permitted colors may be added.
Annex IV: colors permitted for certain uses only.
Annex V: colors generally permitted.

Please contact our office for specific information on authorized colors as the annexes to this directive are not complete on the web ("Warenwetregeling Gebruik van Kleurstoffen in Levensmiddelen").

Miscellaneous Additives
European Parliament and Council Directive 95/2/EC, as amended (consolidated text), outlines regulations on so-called miscellaneous additives directive on food additives other than colors and sweeteners.
Annex I: list of food additives permitted for use in foodstuffs (excl. those listed in Annex II)
Annex II: list of foodstuffs in which only a limited number of additives of Annex I may be used
Annex III: list of conditionally permitted preservatives and antioxidants
Annex IV: list of other permitted additives
Annex V: list of permitted carriers and carrier solvents
Annex VI: list of additives permitted in foods for infants and young children

Labeling requirements for additives and flavorings are laid down in directive 2001/13/EC (general labeling directive), regulation 50/2000/EC (GM additives) and directive 89/107/EEC ("Warenwetregeling Gebruik van Additieven met Uitzondering van Kleurstoffen en Zoetstoffen in Levensmiddelen").

Flavorings
In an initial step to harmonize the use of flavorings in the EU, the European Commission has compiled a register of all flavoring substances authorized in the different EU member states. Substances which are subject to restrictive or prohibitive measures in certain member states have been marked. The register can be downloaded from the Internet in pdf-format or in xls-format ("Warenwetbesluit Aroma's").

Section V Pesticides and other Contaminants

Pesticides
A first step to harmonize EU legislation on pesticides was made by the introduction of Council Directive 76/895/EC. The Maximum Residue Levels (MRL) set in this directive were trading, rather than health, standards. If the levels set in the directive were observed, free movement of the products was guaranteed throughout the Community although Member States could authorize higher levels. Trading standards remain in force for only a limited number of compounds. Most chemicals that were originally listed in this directive have been reviewed and true MRL's, reflecting health concerns, have been established. These MRLs can be found in the following directives:

Council Directive 86/362/EEC, as amended, establishes MRLs for pesticides in cereals and cereal products.
Council Directive 86/363/EEC, as amended, establishes MRLs for pesticides in products of animal origin.
Council Directive 90/642/EEC, 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. When the importer wishes to market the product in other Community Member States, it might face problems. If the importing country wishes to transship this product to another Member State that has higher pesticide/commodity standards, further research may be necessary.
http://www.useu.be/agri/pesticides.html / ("Regeling residuen van bestrijdingsmiddelen")

Other Contaminants
EU harmonized levels are in force for nitrates in lettuce and spinach and for aflatoxin in peanuts, nuts, dried fruits, cereals and milk. As of April 5, 2002, EU wide maximum levels also apply for lead, cadmium, mercury and for 3-monochloropropane-1,2-diol (3-MCPD) in a wide range of food products, for aflatoxin in spices and for ochratoxin A in cereals and dried vine fruits. Maximum dioxin levels have been established for products of animal origin and vegetable oils. The maximum levels for all of these contaminants are available in the annex to Commission Regulation 466/2001, amended by Commission Regulations 2375/2001, 221/2002, 257/2002, 472/2002 and 563/2002.

Instructions for sampling for aflatoxins are published in Commission Directive 98/53/EC. Sampling methods for aflaxtoxin in spices, to be applied from February 28, 2003 onwards,

were added in Commission Directive 2002/27/EC. All EU member states should have applied the harmonized sampling plan for lead, cadmium, mercury and 3-MCPD by April 5, 2002 (Commission Directive 2001/22/EC - corrected by 2001/873/EC). The sampling plans for ochratoxin A and dioxins should have been applied by February 28, 2003.

Section VI Other Regulations and Requirements

Certification of Animal Products

The 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 EU 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 EU inspections prior to listing and/or to occasional EU audits after listing. 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.

At this time there are only three U.S. facilities approved to export meat to the EU. The market for these and many derived products is essentially closed to U.S. exporters.

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

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.

For import requirements of animal products which are not harmonized please contact our FAS office in The Hague.

Processed Foods with Animal Products

Do processed foods containing animal product ingredients need certification?
Plain animal products imported into the EU need animal or public health certification. For processed foods containing animal product, 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. However, the specific EU legislation applicable to the animal product in question contains certain provisions on certification. A summary of the Commission's position on foodstuffs containing animal products can be found on http://www.useu.be/agri/foodcertif.html

Other Processed Foods

Documentation requirements and import regulations for other processed food products will depend on ingredients. In general, Council Directive 93/43/EEC laying down the rules of hygiene for foodstuffs further supplements Council Directive 89/397/EEC. These rules, as set out in the annex, must be observed at the time of preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale and supply of foodstuffs. Food businesses are required to use the HACCP system to ensure the safety of foodstuffs (http://www.useu.be/agri/hygiene.html)

Some food products, including cocoa and chocolate, coffee and chicory extracts, sugars, honey, fruit juices and similar products, fruit jam, jellies and marmalades, are subject to "vertical legislation". For these food categories, more information is available at www.useu.be/agri/vertic.html.

Plant Products
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: (301)-734-8453
Fax: (301)-734-5786

EUREPGAP
At a EUREPGAP global conference in September, certain European retailers (predominantly British and Dutch) said that they will request EUREPGAP certification from all their suppliers of fresh fruits and vegetables starting on January 1, 2004. A new EUREPGAP protocol for fresh produce was also unveiled. For more information see GAIN report E23187 (October 2003).

Section VII Other Specific Standards

Novel Foods
The Novel Food Regulation (European Parliament and Council Regulation 258/97) 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 of foods:

- containing or consisting of biotech products or (*),
- produced from but not containing biotech products (*),
- 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 propagation 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.

http://www.useu.be/agri/novelfood.html ("Warenwetbesluit Nieuwe Voedingsmiddelen").

Dietetic/Health Foods
Council Directive 89/398/EEC 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. http://www.useu.be/agri/partnutr.html ("Warenwetbesluit Producten voor Bijzondere Voiding).

Organic Foods
Council Regulation 2092/91 (consolidated text - last updated 1/23/2003) on organic products covers the following requirements and definitions: (1) production and processing methods, (2) labeling and marketing, (3) inspection and (4) imports from third countries. It was supplemented by Regulation 1804/99 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 11 official EU languages can be found under article 2 of regulation 2092/91. http://www.useu.be/agri/organic.html ("Landbouwkwaliteitsbesluit Biologische Productiemethode").

While organic standards have been set at the EU level, implementation and enforcement of the regulation is the responsibility of the individual member states (LASER). This member state responsibility also extends to imports of organic products. In order to import U.S. organic products, EU importers must work through their designated member state authority to obtain an import authorization. These authorizations are granted on a case-by-case basis, subject to the member state's review of two main elements:
* The organic standards and inspection measures applied by the certifier of the product; and
* The certifier's compliance with EN 45011 or ISO Guide 65
http://www.useu.be/agri/organic.html

Section VIII Copyright and/or Trademark Laws

Copyright
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
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 70 349 1111.

In the Benelux countries, an international trademark can also be registered, as regulated by the Treaty of Madrid. This trademark offers protection in nine EU countries that have signed the convention.

Since 1996, it has been possible to register Community trademarks in the European Union. The Community trademark was created by Council Regulation 40/94 and implemented by Commission Regulation 2868/95. 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. (34-96) 513 93 33

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

Section IX Import Procedures

Council Regulation 2913/92 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 15 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. (See http://www.useu.be/agri/import.html and http://www.useu.be/agri/customs.html)

The EU uses the Combined Nomenclature (CN) for the customs classification of goods. The CN eight digit code numbers are based on the Harmonized System (HS) nomenclature: the first six digits refer to the HS headings, the two following digits represent the CN subheadings. The EU's on-line customs database can be consulted to look up commodity codes and relevant import duties: http://europa.eu.int/comm/taxation_customs/dds/en/tarhome.htm It is also possible to obtain Binding Tariff Information (BTI) from a member state's customs authority to get the proper product classification. Through this system, traders know in advance the tariff classification of the goods they intend to import. BTI is legally binding in all the member states. A list of customs authorities can be found on the Internet at http://europa.eu.int/comm/taxation_customs/databases/bti/EN.pdf The customs value of a good is the CIF price at the European border derived from the product price found on the invoice and the transportation costs reflected in the airway bill or the bill of lading.

Goods are only released after payment of the import duty and other taxes that may be due. Duties payable on goods imported into the EU may include:

- import duty (expressed as ad valorem tariffs or specific tariffs per unit weight/volume/number of pieces).
- additional duties on flour and sugar (processed products).
- entry price (fruit and vegetables).
- environmental taxes - not harmonized.
- inspection fees - not harmonized.
- Value Added Tax (VAT) - not harmonized.
- excise duties (alcohol and tobacco) - not harmonized.

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 (customer 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. In harbors, airports and major cities sufficient warehouse facilities are present for customs storage. Dutch retailers and food service companies generally buy non-EU products through importers. They have

experience in their product/market combination, which enables them to clear customs quickly. More info on customs offices can be obtained at http://www.belastingdienst.nl/9229237/v/index.htm

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 the USDA Office of Agricultural Affairs in The Hague to obtain this information.

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