Step-by-step guide for importing products to the Netherlands

If you import products from abroad for use on the Dutch market, you will have to deal with government rules and regulations. You can use this step-by-step guide to quickly determine your obligations. This step-by-step guide is merely a guideline. You may be subject to other obligations as well or you may have to follow the steps in a different order.

www.answersforbusiness.nl/guide/importing-products

1. Check whether the product is protected

Various rules and laws are in place to enable you to protect your brand and product, including copyright legislation, trademark legislation, and designs and models legislation. There are various ways to lay claim to your ideas, including applying for a patent or filing an idea with the Benelux Office for Intellectual Property (BOIP).

www.answersforbusiness.nl/subject/brand-product-protection

2. Determine whether the product is permitted in the Netherlands

Admission of EU products into the Netherlands

If a product or product type is already admitted in another EU Member State, the Dutch government may not, in principle, prohibit its sale in the Netherlands, even if the product has been made according to technical standards that differ from Dutch standards. Dutch government agencies may only prohibit a product/product type or withdraw it from sale if consumer protection or environmental protection issues arise. In such cases, they must follow the procedure under the EU regulation on mutual recognition for the free movement of goods.

Proceedings

The government agency (e.g. Food and Consumer Safety Authority or VROM Inspectorate) will inform you in writing of a proposal to prohibit or withdraw a particular product or product type from trade. You have 20 working days to respond to this proposal. In principle, the product or product type may remain on the market during this period. The government agency will take a final decision within 20 working days after the expiry of your response period. In doing so, the government organisation will take your views into account. If you disagree with the government agency’s final decision, you can lodge a formal objection or submit an appeal.

www.answersforbusiness.nl/regulation/admission-eu-products-netherlands

3. Determine whether you need an import licence

If you import goods, you may need an import license. You will need an import license, for example, for goods that may only be imported in limited quantities or under strict conditions, such as weapons or specific medicines.

www.answersforbusiness.nl/regulation/import-licence

4. Check if the product complies with the Commodities Act

Commodities Act

If you produce, prepare or trade in food or other consumer products in the Netherlands, you must comply with the Commodities Act (Warenwet). This Act provides general rules on public health, product safety, fairness of trade and proper information. The Commodities Act is linked to a large number of separate regulations and decrees that contain rules for specific foods and consumer products.

Violations of the Commodities Act

The Food and Consumer Product Safety Authority (nieuwe Voedsel en WarenAutoriteit, nVWA) can intervene and take measures in response to violations of the Commodities Act. For instance, the nVWA can issue a warning or impose an administrative fine.

www.answersforbusiness.nl/regulation/commodities-act

5. Determine whether the product needs CE marking

A CE marking may be compulsory if you want to market an industrial product or a building product within the EU. The CE marking indicates that the product meets the minimum requirements set by the EU with regard to safety, health and the environment. When products are imported from outside the EU, the importer adds the CE marking to the product. When products are imported from another EU country, the manufacturer adds the CE marking. An entrepreneur that adds the CE marking to a product for which the marking is not compulsory is guilty of deception.

www.answersforbusiness.nl/regulation/ce-marking

You can find out whether you require an import license by contacting the international trade consultant at the Chamber of Commerce, where you can also request an import license application form.

You must submit the completed form to the Central Import and Export Service of the Customs Department of the Dutch Tax and Customs Administration:

Belaardingstien Douane
Centrale Dienst voor In- en Uitvoer (CDIU)
PO Box 30003
9700 RD Groningen
Telephone number: +31 (0)88 151 2400
E-mail: DRN-CDIU.groningen@belastingdienst.nl

www.answersforbusiness.nl/subject/brand-product-protection
6. Conclude clear agreements with your supplier

**Purchase agreement**

Businesses selling products or providing services enter into an agreement/purchase agreement with the purchaser or the recipient of the service. This may be a written or verbal agreement. You must observe the rules on agreements laid down in Books 6 and 7 of the Dutch Civil Code (Burgerlijk Wetboek).

You are subject to the same rules under the law if you sell products or services to other businesses. A number of rules were drawn up especially to protect consumers, however, and these rules do not apply to the sale of products or services to businesses.

**General rules**

One important rule is that the agreement must include the delivery details, the price, the payment deadline and the guarantee. You must also inform the customer about any additional costs, such as forwarding costs or call-out charges. Once the agreement has been concluded, you are obliged to deliver the product or service.

**Additional rules**

In addition to these basic rules, there are for example rules in relation to:
- general terms and conditions;
- guarantees;
- advertising;
- unfair trading practices;
- long-distance sales and purchases.

There are also additional rules governing web shops which are obliged, for example, to send the customer written confirmation of his or her order at the latest at the same time as they deliver the product or service ordered. They must also give the customer a cooling-off period.

[www.answersforbusiness.nl/regulation/purchase-agreement](http://www.answersforbusiness.nl/regulation/purchase-agreement)

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7. Take product liability into account

In the Netherlands, the producer is liable for damage caused by a fault in a product, which can include:
- The lack of a safety provision
- Unsound instructions for use
- The lack of warnings on the product

The producer is not liable in cases such as the following:
- The product was safe when first launched on the market, but was no longer so at a later date (e.g. due to deterioration)
- The product was not originally intended for commercial purposes
- You could not possibly have known that the product was unsafe
- Product liability does not apply either to buildings, services and fresh food, for example.

**Please note**: If you import products from outside the EU, you are legally considered the producer. Product liability only applies to importers, not to agents.


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8. Declare goods to Customs

You must declare goods to Customs if you:
- import these goods into an EU Member State from a country outside the EU;
- export these goods from an EU Member State to a country outside the EU.

You can file this declaration electronically or in writing, using the Single Document form. As completion of the Single Administrative Document requires accuracy and expertise, it is sensible to ask a carrier, a logistics service provider or a Customs agent to do this for you. Based on your declaration, Customs will calculate the import or export duty. Customs will also decide whether any other Customs regulations are applicable, for example in relation to safety, health, the economy and the environment.

**EORI-number**

Since 2010, all Economic Operators established and active in Europe have had an EORI number. EORI stands for Economic Operator Registration and Identification number. You must use or have this number used as an identification number when exchanging data with customs (mandatory).

You mainly require the EORI number when you trade with countries outside the EU. You also need the EORI number when trading with countries within the EU for some products such as alcohol and tobacco.

[www.answersforbusiness.nl/regulation/declaring-goods-customs](http://www.answersforbusiness.nl/regulation/declaring-goods-customs)

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9. Pay import levies

You may have to pay various taxes when importing goods into the Netherlands:
- import duties;
- VAT;
- excise duties;
- consumption taxes;
- anti-dumping duties;
- agricultural levies.

The amount to be paid in import levies depends on the kind of product and the country of origin. You can find this information in the European Commission’s TARIC database.

[www.answersforbusiness.nl/tax/import-levies](http://www.answersforbusiness.nl/tax/import-levies)

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