

COMMISSION REGULATION (EEC) No 3076/78
of 21 December 1978
on the importation of hops from non-member countries

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the
European Economic Community,

Having regard to Council Regulation (EEC) No
1696/71 of 26 July 1971 on the common organization
of the market in hops ⁽¹⁾, as last amended by
Regulation (EEC) No 1170/77 ⁽²⁾, and in particular
Articles 5 (3) and 18 thereof,

Whereas Article 5 of Regulation (EEC) No 1696/71
provides that hops and hop products from
non-member countries may be imported only if their
quality standards are at least equivalent to the
minimum limits for marketing adopted for like
products harvested within the Community or their
derivatives; whereas it provides, however, that these
products should be considered as being of the
standards referred to above if they are accompanied
by an attestation issued by the authorities of the
country of origin and recognized as equivalent to the
certificate required for the marketing of hops and hop
products of Community origin;

Whereas the detailed rules for checking these
requirements, drawing up the attestations and
recognizing the equivalence thereof are laid down in
Commission Regulations (EEC) No 1646/78 ⁽³⁾ and
(EEC) No 2397/78 ⁽⁴⁾, as amended by Regulation
(EEC) No 2709/78 ⁽⁵⁾;

Whereas the experience gained since the entry into
force of these Regulations shows that it is necessary
to supplement them and, for the sake of
administrative simplicity, to bring together in one
Regulation all the provisions concerning the free
circulation of hops and their derivatives from
non-member countries and to rule separately on the
equivalence of attestations issued by non-member
countries;

Whereas Council Regulation (EEC) No 1784/77 of 19
July 1977 on the certification of hops ⁽⁶⁾ lays down
very strict marketing requirements for hop products,
and mixtures in particular; whereas there is at the
moment no effective method of checking at frontiers
that these requirements are met; whereas the only
possible substitute for such a check is an undertaking
on the part of the exporting countries to comply with
the Community's marketing requirements for these
products; whereas it is therefore necessary to require
that such products be accompanied by an attestation
as specified in Article 5 (2) of Regulation (EEC)
No 1696/71;

Whereas the minimum marketing requirements for
hops were set by Commission Regulation (EEC)
No 890/78 of 28 April 1978 laying down detailed
rules for the certification of hops ⁽⁷⁾; whereas it is
necessary to lay down detailed rules for the checking
of these requirements where hops are imported from
non-member countries without an attestation
recognized as equivalent;

Whereas, in order to facilitate control by the
competent authorities of the Member States, it is
essential to prescribe the form and, where necessary,
the content of the attestation and the rules for its
utilization;

Whereas, in order to take account of trade practices,
the competent authorities must be empowered, if a
consignment is split up, to have prepared under their
supervision an extract from the attestation in respect
of each new consignment resulting from the splitting
up;

Whereas, by analogy with the Community's
certification system, certain products should be
exempt by virtue of their utilization from the
checking or the presentation of the attestations
provided for in this Regulation;

Whereas the Management Committee for Hops has
not delivered an opinion within the time limit set by
its chairman,

⁽¹⁾ OJ No L 175, 4. 8. 1971, p. 1.

⁽²⁾ OJ No L 137, 3. 6. 1977, p. 7.

⁽³⁾ OJ No L 191, 14. 7. 1978, p. 25.

⁽⁴⁾ OJ No L 289, 14. 10. 1978, p. 1.

⁽⁵⁾ OJ No L 327, 22. 11. 1978, p. 8.

⁽⁶⁾ OJ No L 200, 8. 8. 1977, p. 1.

⁽⁷⁾ OJ No L 117, 29. 4. 1978, p. 43.

HAS ADOPTED THIS REGULATION:

Article 1

1. Entry into free circulation in the Community of the products from non-member countries listed in Article 1 of Regulation (EEC) No 1696/71 shall be conditional upon proof being furnished that the requirements specified in Article 5 (1) of that Regulation have been met.

2. The proof referred to in paragraph 1 shall be furnished:

(a) with regard to hop cones falling within heading No 12.06 of the Common Customs Tariff, by the production of:

- either the attestation provided for in Article 5 (2) of that Regulation, hereinafter called an 'attestation of equivalence',
- or the control attestation referred to in Article 4 of the present Regulation;

(b) with regard to products other than hop cones and to saps and extracts of hops falling within heading No 12.06 and subheading 13.03 A VI respectively of the Common Customs Tariff, by the production of an attestation of equivalence.

3. For the purposes of this Regulation, 'consignment' means a quantity of a product having the same characteristics and sent by the same consignor at the same time to the same consignee.

Article 2

1. The attestation of equivalence referred to in the first indent of Article 1 (2) (a) and in Article 1 (2) (b) shall be made out for each consignment and shall consist of an original and two copies to be drawn up on a form corresponding to the model set out in Annex I hereto and in accordance with the instructions given in Annex IV hereto.

2. An attestation of equivalence shall be valid only if it is duly completed and authenticated by one of the competent authorities in the third country of origin.

3. A duly authenticated attestation is one which shows the place and date of issue and which has been signed and bears the stamp of the issuing authority.

Article 3

1. Each unit of packaging covered by an attestation of equivalence shall bear the following particulars in one of the Community languages:

- the description of the product,
- the variety or varieties,
- the country of origin,
- the marks and numbers indicated in section 9 of the attestation of equivalence or the extract.

2. The particulars shall appear in legible, indelible characters of uniform size on the outside of the package.

Article 4

1. The control attestation referred to in the second indent of Article 1 (2) (a) shall be issued in respect of each consignment by the competent authorities of the Member States after a check has been made for conformity with the minimum marketing requirements set out in the Annex to Regulation (EEC) No 890/78 in accordance with the methods laid down in Article 3 (2) and (3) of the said Regulation.

2. The Member States shall forward to the Commission the name and address of the authorities referred to in paragraph 1, together with impressions of the official stamps and, where appropriate, the embossing presses of the competent authorities.

3. Control attestations shall be drawn up in one original and two copies on a form corresponding to the model in Annex III hereto and in accordance with the instructions in Annex IV hereto.

Article 5

1. Where a consignment covered by an attestation of equivalence is split up and redispached before its entry into free circulation, an attestation extract shall be drawn up in respect of each new consignment resulting from such splitting. The attestation shall be replaced by the necessary number of attestation extracts. Each extract shall be drawn up by the party concerned in one original and two copies on a form corresponding to the model given in Annex II hereto and in accordance with the provisions relating to the attestation of equivalence laid down in Article 2 (1).

2. The customs authorities shall endorse accordingly the original and the two copies of the attestation of equivalence, and shall countersign the original and the two copies of each extract. They shall retain the original of the attestation, send the two copies to the official body responsible for ensuring compliance with the certification system referred to in Article 1 (6) of Regulation (EEC) No 1784/77 and return the original and the two copies of each extract to the person concerned.

Article 6

On completion of customs formalities required for the entry into circulation in the Community of the product to which the attestation of equivalence, the extract or the control attestation relates, the original and the two copies shall be submitted to the customs authorities who shall countersign them, retaining the original. One copy shall be forwarded by the customs authorities to the official body responsible for supervising the certification system, as referred to in Article 1 (6) of Regulation (EEC) No 1784/77, of the Member State where the product enters into free circulation. The second copy shall be returned to the importer, who must keep it for at least three years.

Article 7

If the product is resold after it has been put into free circulation, it must be accompanied by an invoice or other commercial document drawn up by the vendor, giving the reference number of the attestation of equivalence, the extract or the control attestation, together with the name of the authority which issued them and the following information copied:

1. from the attestation of equivalence or the extract:

(a) for hops:

- the description of the product,
- the gross weight,
- the place of production,
- the year of harvest,
- the variety,
- the country of origin,
- the markings and identification numbers given in section 9 of the attestation;

(b) for products manufactured from hops, in addition to the particulars listed under (1) (a): place and date of processing;

2. from the control attestation:

- description of the product,
- the gross weight,
- the markings and numbers of the packages.

Article 8

By way of derogation from this Regulation, neither the production of the documents specified in Article 1 (2) nor compliance with the provisions of Article 3 shall be required for the entry into free circulation of the following hops and hop products where the weight per individual package does not exceed 500 g in the case of hop cones and hop powder and 150 g in the case of hop extracts:

- (a) small packages for sale to private individuals for their own use;
- (b) for scientific and technical experiments;
- (c) for fairs covered by the special customs arrangements for fairs.

The description, weight and final utilization of the product must appear on the packaging.

Article 9

Regulations (EEC) No 1646/78 and (EEC) No 2397/78 are hereby repealed.

However, the form as shown in Annex I to Regulation (EEC) No 2397/78 and the control attestation form as referred to in Article 2 of Regulation (EEC) No 1646/78 issued by the Member States shall remain valid until 1 January 1981.

Article 10

This Regulation shall enter into force on 1 January 1979.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 December 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX I

1. Consignor (full name and address)	2. No	ORIGINAL	
3. Consignee (full name and address)	ATTESTATION OF EQUIVALENCE FOR THE IMPORTATION OF HOPS AND HOP PRODUCTS INTO THE EUROPEAN ECONOMIC COMMUNITY		
<p style="text-align: center;">IMPORTANT NOTES</p> <p>A. This attestation and the two copies must be submitted to the customs authorities in the Community when the products are put into free circulation or when the consignment is split up before it is put into free circulation.</p> <p>B. When the consignment is split up, the customs authorities, after endorsing the attestation and the two copies, shall retain the original and forward the two copies to the authorities responsible for hops in the Member State concerned.</p> <p>C. When the products are put into free circulation, after endorsing the attestations and the two copies, the customs authorities should retain the original, return one copy to the declarant and forward the other copy to the authorities responsible for hops in the Member State concerned.</p>	Voir traduction au verso — Übersetzung siehe Rückseite — Vede traduzione a tergo — Zie vertaling aan ommezijde — Oversættelse se bagsiden		
	4. Country of origin		
	5. Place of production of hops	6. Harvesting year	
7. Place of processing	8. Date of processing		
9. Marks, numbers, number and kind of packages — description of products — variety		10. Gross weight (kg)	
<p>11. ATTESTATION BY ISSUING AUTHORITY</p> <p>I the undersigned certify that the products described above comply with the rules on hops and hop products applicable in the European Economic Community.</p>			
12. Issuing authority (full name and address)	At on <div style="display: flex; justify-content: space-around;"> (Signature) (Stamp) </div>		
<p>13. RESERVED FOR THE CUSTOMS AUTHORITIES IN THE COMMUNITY</p> <p>The products described above have been put into free circulation ⁽¹⁾</p> <p>This attestation has been replaced by extracts ⁽¹⁾</p>			

ANNEX II

1. Consignor (name and full address)	2. No	ORIGINAL	
3. Consignee (name and full address)	EXTRACT FROM AN ATTESTATION OF EQUIVALENCE FOR THE IMPORTATION OF HOPS AND HOP PRODUCTS INTO THE EUROPEAN ECONOMIC COMMUNITY		
<p style="text-align: center;">IMPORTANT NOTES</p> <p>A. This extract and the two copies must be submitted to the customs authorities in the Community when the products are put into free circulation.</p> <p>B. After endorsing the documents, the customs authorities in the Community shall retain the original, return one copy to the declarant and forward the other copy to the authorities responsible for hops in the Member State concerned.</p>	Voir traduction au verso — Übersetzung siehe Rückseite — Vede traduzione al tergo — Zie vertaling aan ommezijde — Oversættelse se bagsiden		
	4. Country of origin		
	5. Place of production of hops	6. Harvesting year	
7. Place of processing	8. Date of processing		
9. Marks, numbers, number and kind of packages — description of products — variety			10. Grossweight (kg)
<p>11. DECLARATION BY THE CONSIGNOR</p> <p>I the undersigned declare that the products described above were covered by the attestation of equivalence issued on (date), reference No, by the following issuing authority (name and full address)</p> <p>At, on (Signature)</p>			
<p>12. ENDORSEMENT BY THE CUSTOMS AUTHORITIES</p> <p>Declaration certified as correct. The information on this extract corresponds to that given in the relevant attestation of equivalence.</p>			
13. Customs office (name and full address)	<p>At, on</p> <p style="text-align: center;">..... (Signature) (Stamp)</p>		
<p>14. RESERVED FOR THE CUSTOMS AUTHORITIES IN THE MEMBER STATE WHERE THE PRODUCTS ARE PUT INTO FREE CIRCULATION</p> <p>The products described above have been put into free circulation</p>			

ANNEX IV

RULES GOVERNING THE FORMS REQUIRED BY THIS REGULATION

I. PAPER

The paper to be used is a white paper weighing at least 40 g/m².

II. SIZE

The size is:

- 210 × 297 mm for the attestation of equivalence and its extracts,
- 210 × 148 mm for the control attestation.

III. LANGUAGES

- A. The attestation of equivalence must be printed in one of the official languages of the Community; it can also be printed in the official language or one of the official languages of the issuing country.
- B. The extract of the attestation of equivalence and the control attestation must be printed in one of the official languages of the Community designated by the responsible authorities of the issuing Member State.

IV. COMPLETION OF THE FORMS

- A. The forms shall be completed by typewriter or by hand; in the latter case, they shall be completed legibly in ink and in printed characters.
- B. Each form is individualized by a number given by the issuing authority, this number being the same for the original and its two copies.
- C. In the case of the attestation of equivalence and its extracts:
 - 1. section 5 shall not be completed for hop products made from blends of hops;
 - 2. sections 7 and 8 shall be completed for all products made from hops;
 - 3. the description of the products shall be one of the following:
 - (a) 'unprepared hops': i.e. hops which have only undergone preliminary drying and packaging,
 - (b) 'prepared hops': i.e. hops which have undergone final drying and packaging,
 - (c) 'hop powder' (which shall include hop pellets and enriched hop powder),
 - (d) 'isomerized hop extract': i.e. an extract in which the alpha acids have been almost totally isomerized,
 - (e) 'extract of hops': i.e. other extracts than isomerized extract of hops,
 - (f) 'mixed hop products': i.e. a mixture of the products set out under (c), (d) and (e) above, excluding hops;
 - 4. the description 'unprepared hops' or 'prepared hops' shall be followed by the word 'seedless' if the seed content is less than 2 % of the weight of the hops, and by the word 'seeded' in other cases;
 - 5. in cases where products made from hops are obtained from hops of different varieties and/or different places of production, these different varieties and/or places of production shall be stated in section 9, followed by the percentage by weight of each variety from each production area making up the blend.