COMMISSION DECISION

of 12 July 1999

on the exchange of letters concerning the certificate referred to in the second indent of point 6 of the Agreement between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines

(notified under document number C(1999) 2054)

(1999/562/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 93/723/EC of 23 November 1993 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines [1], and in particular Article 3 thereof,

(1) Whereas the second indent of point 6 of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines, signed in Brussels on 29 November 1993 [2], stipulates that the grant of tariff concessions is subject to presentation of a certificate issued by a mutually recognised official body appearing on a list to be drawn up jointly, to the effect that the wine in question complies with points 1, 2 and 4 of the Agreement;

(2) Whereas the Commission, on behalf of the Community, and Hungary have agreed implementing rules for the above certificate; whereas these rules should therefore be approved;

(3) Whereas the measures provided for in this Decision and in the attached Exchange of Letters are in accordance with the opinion of the Management Committee for Wine,

HAS DECIDED AS FOLLOWS:

Article 1

The exchange of letters concerning the certificate referred to in the second indent of point 6 of the Agreement between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines is hereby approved on behalf of the Community.

The text of the exchange of letters is attached to this Decision.

Article 2

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 12 July 1999.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 337, 31.12.1993, p. 83.
[2] OJ L 337, 31.12.1993, p. 84.

ANNEX

EXCHANGE OF LETTERS

concerning the certificate referred to in paragraph 6, second indent, of the Agreement between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines

Letter No 1

(Commission of the European Communities)

Sir,

I refer to the Agreement in form of an Exchange of Letters between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines, signed on 29 November 1993, hereinafter called 'the Agreement'.

The Agreement provides in paragraph 6, second indent, that the tariff concessions will be subject to the presentation of a certificate issued by a mutually recognised official body appearing on a list to be drawn up jointly to the effect that the wine in question complies with paragraphs 1, 2 and 4 of the Agreement.

In accordance with the consultations which have taken place between the representatives of the Commission and Hungary, the following rules have been agreed upon as regards the above mentioned certificate:

1. **Wines originating in the Community imported into Hungary:**

1.1. The certificate referred to in paragraph 6, second indent, of the Agreement shall be a certificate which conforms to the model set out in the Annex to this exchange of letters and which has been completed in accordance with points 1.2 to 1.8.

1.2. The certificate shall measure 210 × 297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 40 g/m^2. If the document has several copies only the top copy, which is the original, shall be printed with the guilloche pattern background. This copy shall be clearly marked 'original' and the other copies 'copy'.

1.3. The certificate shall be printed in one of the following languages: English, French, German, Italian or Spanish.

1.4. Each certificate shall bear a serial number allocated by the competent Community authority.

1.5. The certificate shall be certified, in boxes 10 and 11 respectively, by the competent Community authorities and laboratories. It shall comprise the original and at least one simultaneously produced copy, in that order. Both the original and the copy shall accompany the wine. The certificate form must be completed either in typescript or by hand and in the latter case it shall be completed in ink using block letters. It must contain no erasures or overwritten words and may not be used if any errors are committed in completing it.

The information to be entered in box 11 of the certificate may be submitted in a separate analysis report, certified by the competent laboratory. In this case, box 11 shall refer to the separate report.

1.6. The authorities and laboratories referred to point 1.5 shall be:

— with respect to the competent authorities, those designated pursuant to Article 20 of Commission Regulation (EEC) No 2238/93 on the accompanying documents for the carriage of wine products and the relevant records to be kept,

— with respect to the competent laboratories, those authorised to carry out official analyses pursuant to Article 79(1) of Regulation (EEC) No 822/87.

1.7. The original and the copy of the certificate shall, on completion of the customs formalities for release for free circulation of the consignment to which they relate, be handed over to the competent Hungarian authority that carries out such formalities. This authority shall endorse the back of the certificate. It shall return the original to the person concerned and keep the copy for at least five years.

1.8. The certification in box 10 of the certificate may be replaced by an attestation of designation of origin in accordance with Article 7 of Regulation (EEC) No 2238/93.

1.9. The certificate referred to in point 1.1 replaces the 'Quality certificate' referred to in Hungarian Wine law.

1.10. Certificates completed in accordance with the Hungarian legislation in force before the date of the entry into force of this exchange of letters may be used until 1 January 2000 in place of the certificate provided for in point 1.1.

2. **Wines originating in Hungary and imported into the Community:**

2.1. The certificate referred to in paragraph 6, second indent, of the Agreement is the V.I.1/V.I.2. document completed in accordance with Regulation (EEC) No 3590/85.

2.2. The certificate must bear one of the following descriptions in box 15:

'This is to certify that the wine referred to in this document is a quality wine/quality sparkling wine ([1]) in accordance with the Hungarian Wine Law.

([1]) *Delete as appropriate.'*

or

'This is to certify that the wine referred to in this document is a quality wine/quality sparkling wine ([1]), including wine of superior quality and quality wine bearing the geographical indication "Tokaj" or wine bearing the name "Tájbor" in accordance with the Hungarian Wine Law.

([1]) *Delete as appropriate.'*

2.3. The competent Hungarian bodies and laboratories authorised to complete the certificate referred to in point 2.1 are those listed by the Commission in application of Article 7 of Regulation (EEC) No 3590/85.

This exchange of letters shall be approved by the Parties in accordance with their own procedures. It shall enter into force on 1 September 1999.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the European Community

ANNEX

ORIGINAL

1. Exporter (name, full address)

2. Consignee (name, full address)

3. Stamp of the Hungarian customs authorities (1)

4. Means of transport (1)

5. Place of unloading (1)

EUROPEAN COMMUNITY — MEMBER STATE OF ISSUE:

CERTIFICATE FOR THE IMPORTATION OF WINE INTO HUNGARY

Serial No:

(1) Obligatory only for wines benefiting from a reduced customs tariff

(2) Delete as appropriate

(3) Put an "x" in the appropriate place

6. Description of product — CN code — Marks and reference numbers — Number and nature of packages

7. Quantity in l/hl/kg (2)

8. Number of bottles

9. Colour of wine

10. **CERTIFICATION**

The wine described above (3) ☐ is ☐ is not intended for direct human consumption and complies with the conditions governing production and entry into circulation applying in the European Community.

Full name and address of the competent authority:

Place and date:

Signature, name and title of official:

Stamp

11. **ANALYSIS REPORT** (only if the wine is intended for direct human consumption)

Total alcoholic strength:

Total dry extract:

Volatile acidity:

Total sulphur dioxide:

Actual alcoholic strength:

Total acidity:

Citric acidity:

This wine has not been subject to oenological practices which are not permitted under current European Community provisions.

Full name and address of the laboratory:

Place and date:

Signature, name and title of official:

Stamp

IMPORTS

(Entry into free circulation or issue of extracts)

Quantity	12. Reference number and date of the extract or customs document	13. Full name and address of the consignee (extract)	14. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
15. Other information:			

Letter No 2

(Letter from Hungary)

Brussels,

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'I refer to the Agreement in form of an exchange of letters between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines, signed on 29 November 1993, hereinafter called "the Agreement".

The Agreement provides in paragraph 6, second indent, that the tariff concessions will be subject to the presentation of a certificate issued by a mutually recognised official body appearing on a list to be drawn up jointly to the effect that the wine in question complies with paragraphs 1, 2 and 4 of the Agreement.

In accordance with the consultations which have taken place between the representatives of the Commission and Hungary, the following rules have been agreed upon as regards the above mentioned certificate:

1. **Wines originating in the Community imported into Hungary:**

1.1. The certificate referred to in paragraph 6, second indent, of the Agreement shall be a certificate which conforms to the model set out in the Annex to this exchange of letters and which has been completed in accordance with points 1.2 to 1.8.

1.2. The certificate shall measure 210 x 297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 40 g/m^2. If the document has several copies only the top copy, which is the original, shall be printed with the guilloche pattern background. This copy shall be clearly marked "original" and the other copies "copy".

1.3. The certificate shall be printed in one of the following languages: English, French, German, Italian or Spanish.

1.4. Each certificate shall bear a serial number allocated by the competent Community authority.

1.5. The certificate shall be certified, in boxes 10 and 11 respectively, by the competent Community authorities and laboratories. It shall comprise the original and at least one simultaneously produced copy, in that order. Both the original and the copy shall accompany the wine. The certificate form must be completed either in typescript or by hand and in the latter case it shall be completed in ink using block letters. It must contain no erasures or overwritten words and may not be used if any errors are committed in completing it.

The information to be entered in box 11 of the certificate may be submitted in a separate analysis report, certified by the competent laboratory. In this case, box 11 shall refer to the separate report.

1.6. The authorities and laboratories referred to point 1.5 shall be:

— with respect to the competent authorities, those designated pursuant to Article 20 of Commission Regulation (EEC) No 2238/93 on the accompanying documents for the carriage of wine products and the relevant records to be kept,

— with respect to the competent laboratories; those authorised to carry out official analyses pursuant to Article 79(1) of Regulation (EEC) No 822/87.

1.7. The original and the copy of the certificate shall, on completion of the customs formalities for release for free circulation of the consignment to which they relate, be handed over to the competent Hungarian authority that carries out such formalities. This authority shall endorse the back of the certificate. It shall return the original to the person concerned and keep the copy for at least five years.

1.8. The certification in box 10 of the certificate may be replaced by an attestation of designation of origin in accordance with Article 7 of Regulation (EEC) No 2238/93.

1.9. The certificate referred to in point 1.1 replaces the "Quality certificate" referred to in Hungarian Wine law.

1.10. Certificates completed in accordance with the Hungarian legislation in force before the date of the entry into force of this exchange of letters may be used until 1 January 2000 in place of the certificate provided for in point 1.1.

2. **Wines originating in Hungary and imported into the Community:**

2.1. The certificate referred to in paragraph 6, second indent, of the Agreement is the V.I.1/V.I.2. document completed in accordance with Regulation (EEC) No 3590/85.

2.2. The certificate must bear one of the following descriptions in box 15:

"This is to certify that the wine referred to in this document is a quality wine 1 quality sparkling wine (1) in accordance with the Hungarian Wine Law

(1) *Delete as appropriate."*

or

"This is to certify that the wine referred to in this document is a quality wine/quality sparkling wine (1), including wine of superior quality and quality wine bearing the geographical indication Tokaj or wine bearing the name Tájbor in accordance with the Hungarian Wine Law.

(1) *Delete as appropriate."*

2.3. The competent Hungarian bodies and laboratories authorised to complete the certificate referred to in point 2.1 are those listed by the Commission in application of Article 7 of Regulation (EEC) No 3590/85.

This exchange of letters shall be approved by the Parties in accordance with their own procedures. It shall enter into force on 1 September 1999.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.'

I have the honour to confirm that my Government is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government of the Republic of Hungary

ANNEX

ORIGINAL

1. Exporter (name, full address)

2. Consignee (name, full address)

3. Stamp of the Hungrian customs authorities (1)

4. Means of transport (1)

5. Place of unloading (1)

EUROPEAN COMMUNITY — MEMBER STATE OF ISSUE:

CERTIFICATE FOR THE IMPORTATION OF WINE INTO HUNGARY

Serial No:

(1) Obligatory only for wines benefiting from a reduced customs tariff

(2) Delete as appropriate

(3) Put an "x" in the appropriate place

6. Description of product — CN code — Marks and reference numbers — Number and nature of packages

7. Quantity in l/hl/kg (2)

8. Number of bottles

9. Colour of wine

10. **CERTIFICATION**

The wine described above (3) ☐ is ☐ is not intended for direct human consumption and complies with the conditions governing production and entry into circulation applying in the European Community.

Full name and address of the competent authority:

Place and date:

Signature, name and title of official:

Stamp

11. **ANALYSIS REPORT** (only if the wine is intended for direct human consumption)

Total alcoholic strength:

Total dry extract:

Volatile acidity

Total sulphur dioxide:

Actual alcoholic strength:

Total acidity:

Citric acidity:

This wine has not been subject to oenological practices which are not permitted under current European Community provisions.

Full name and address of the laboratory:

Place and date:

Signature, name and title of official:

Stamp

IMPORTS

(Entry into free circulation or issue of extracts)

Quantity	12. Reference number and date of the extract or customs document	13. Full name and address of the consignee (extract)	14. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
15. Other information:			