COMMISSION DECISION

of 18 March 2002

on the conclusion of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Croatia concerning the certificate referred to in paragraph 6 of the Agreement on reciprocal preferential trade concessions for certain wines

(notified under document number C(2002) 666)

(2002/501/EC)

THE COMMISSION OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decisions 2001/918/EC [1] and 2001/919/EC [2] concerning the conclusion of an Additional Protocol adjusting the trade aspects of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, and an Additional Protocol adjusting the trade aspects of the Interim Agreement between the European Community and the Republic of Croatia to take account of the outcome of the negotiations between the parties on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks, and in particular Article 3 thereof,

Whereas:

(1) Within these Decisions the Council has concluded with the Republic of Croatia Additional Protocols including Agreements on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks, hereinafter referred to as 'Additional Protocols on wine'. The Additional Protocols on wine apply as of 1 January 2002.

(2) Paragraph 6 of Annex 1 (Agreement on reciprocal preferential trade concessions for certain wines) of the Additional Protocols on wine to the Stabilisation and Association Agreement and the Interim Agreement, concluded on 7 December 2001, stipulates that the entitlement to benefit from the tariff concessions is subject to presentation of a certificate issued by a mutually recognised official body appearing on a list drawn up jointly, to the effect that the wine in question complies with point 5(b).

(3) The Commission, on behalf of the Community, and the Republic of Croatia have agreed in the Additional Protocols on wine to the Stabilisation and Association Agreement and the Interim Agreement implementing rules for the abovementioned certificate. Therefore, the Commission should approve these rules agreed upon in the form of an Exchange of Letters.

(4) The measures provided for in this Decision and in the attached Exchange of Letters are in accordance with the opinion of the Customs Code Committee,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Republic of Croatia concerning the certificate referred to in paragraph 6, Annex 1 of the Agreement on reciprocal preferential trade concessions for certain wines is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

The Director-General for Agriculture and Rural Development of the Commission of the European Communities is authorised to sign the Agreement in the form of an Exchange of Letters.

Article 2

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

Done at Brussels, 18 March 2002.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 342, 27.12.2001, p. 42.
[2] OJ L 342, 27.12.2001, p. 60.

ANNEX

EXCHANGE OF LETTERS

concerning the certificate referred to in paragraph 6 of the Agreement between the European Community and the Republic of Croatia on reciprocal preferential trade concessions for certain wines [1]

A. *Letter from the Commission*

Brussels, 10 June 2002

Sir,

I have the honour to refer to Annex I (Agreement on reciprocal preferential trade concessions for certain wines) of the Additional Protocol adjusting the trade aspects of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, and an Additional Protocol adjusting the trade aspects of the Interim Agreement between the European Community and the Republic of Croatia, to take account of the outcome of the negotiations between the parties on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks, which was concluded on 7 December 2001, hereinafter called the 'Agreement'.

The Agreement provides in paragraph 6 that the tariff concessions will be subject to the presentation of a certificate issued by a mutually recognised official body appearing on lists drawn up jointly to the effect that the wine in question complies with point 5(b) of the Agreement.

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

1. **Wines originating in the Community imported into the Republic of Croatia:**

1.1. The certificate referred to in paragraph 6 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/m². 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 official Community languages.

1.4. Each certificate shall bear a serial number allocated.

1.5. The certificate shall be certified, in boxes 10 and 11 respectively, by the Community competent authorities, agencies 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 list of the authorities, agencies and laboratories authorised to complete the certificate referred to in point 1.5 shall be drawn up jointly and exchanged between the Parties.

The Commission will inform in due time the Republic of Croatia of any update of this list.

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 authority of the Republic of Croatia that carries out such formalities. The 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] Annex I of the Agreement in the form of an Additional Protocol adjusting the trade aspects of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, and an Additional Protocol adjusting the trade aspects of the Interim Agreement between the European Community and the Republic of Croatia to take account of the outcome of the negotiations between the parties on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks.

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 Commission Regulation (EC) No 884/2001.

1.9. The certificate referred to in point 1.1 replaces the certificates referred to in the Croatian legislation.

1.10. Certificates completed in accordance with the Croatian legislation in force before the date of the entry into force of this exchange of Letters may be used until 1 July 2002 in place of the certificate provided for in point 1.1.

2. **Wines originating in the Republic of Croatia and imported into the Community:**

2.1. The certificate referred to in paragraph 6 of the Agreement is the V I 1 or V I 2 document completed in accordance with Commission Regulation (EC) No 883/2001.

2.2. The list of the authorities, agencies and laboratories authorised to complete the certificate referred to in point 2.1 shall be drawn up jointly and exchanged between the Parties.

The Republic of Croatia will inform in due time the Commission of any update of this list.

This Exchange of Letters shall enter into force after notification of the Croatian Government.

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

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

ANNEX

ORIGINAL

1. Exporter (name, full address)

2. Consignee (name, full address)

EUROPEAN COMMUNITY— MEMBER STATE OF ISSUE:

CERTIFICATE FOR THE IMPORTATION OF WINE INTO THE REPUBLIC OF CROATIA

Serial No:

3. Stamp of the Croatian customs authorities (1)

4. Means of transport (1)

5. Place of unloading (1)

(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 Nos — 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 strenght:
Total dry extract:
Volatile acidity
Total sulphur dioxide:

Actual alcoholic strenght:
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:

B. *Letter from the Republic of Croatia*

Zagreb, 10 June 2002

Sir,

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

'I have the honour to refer to Annex 1 (Agreement on reciprocal preferential trade concessions for certain wines) of the Additional Protocol adjusting the trade aspects of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, and an Additional Protocol adjusting the trade aspects of the Interim Agreement between the European Community and the Republic of Croatia, to take account of the outcome of the negotiations between the parties on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks, which was concluded on 7 December 2001, hereinafter called the "Agreement".

The Agreement provides in paragraph 6 that the tariff concessions will be subject to the presentation of a certificate issued by a mutually recognised official body appearing on lists drawn up jointly to the effect that the wine in question complies with point 5(b) of the Agreement.

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

1. **Wines originating in the Community imported into the Republic of Croatia:**

1.1. The certificate referred to in paragraph 6 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/m². 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 official Community languages.

1.4. Each certificate shall bear a serial number allocated.

1.5. The certificate shall be certified, in boxes 10 and 11 respectively, by the Community competent authorities, agencies 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 list of the authorities, agencies and laboratories authorised to complete the certificate referred to in point 1.5 shall be drawn up jointly and exchanged between the Parties.

The Commission will inform in due time the Republic of Croatia of any update of this list.

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 authority of the Republic of Croatia that carries out such formalities. The 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 Commission Regulation (EC) No 884/2001.

1.9. The certificate referred to in point 1.1 replaces the certificates referred to in the Croatian legislation.

1.10. Certificates completed in accordance with the Croatian legislation in force before the date of the entry into force of this exchange of Letters may be used until 1 July 2002 in place of the certificate provided for in point 1.1.

2. **Wines originating in the Republic of Croatia and imported into the Community:**

2.1. The certificate referred to in paragraph 6 of the Agreement is the V I 1 or V I 2 document completed in accordance with Commission Regulation (EC) No 883/2001.

2.2. The list of the authorities, agencies and laboratories authorised to complete the certificate referred to in point 2.1 shall be drawn up jointly and exchanged between the Parties.

The Republic of Croatia will inform in due time the Commission of any update of this list.

This Exchange of Letters shall enter into force after notification of the Croatian Government.

ANNEX

ORIGINAL

1. Exporter (name, full address)

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(1) Obligatory only for wines benefiting from a reduced customs tariff
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6. Description of product — CN code — Marks and reference Nos — 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 strenght:
Total dry extract:
Volatile acidity
Total sulphur dioxide:

Actual alcoholic strenght:
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:'

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

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