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(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2397/78
of 13 October 1978
on attestations of equivalence for hops imported 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 23 thereof,

Whereas Article 5 of Regulation (EEC) No 1696/71 specifies that hops and hop products from third countries may be imported only if their quality standards are at least equivalent to the minimum limits for marketing adopted for hops and hop products harvested within the Community and their derivatives; whereas the said Article specifies however that these products shall be considered as being of the required standard if they are accompanied by an attestation issued by the authorities of their country of origin recognized as equivalent to the certificate required for marketing hops and hop products of Community origin;

Whereas in Commission Regulation (EEC) No 1646/78 of 13 July 1978 (3) rules were fixed for checking the minimum marketing requirements for hop cones imported from third countries laid down by Commission Regulation (EEC) No 890/78 of 28 April 1978 laying down detailed rules for the certification of hops (4);

Whereas under Council Regulation (EEC) No 1784/77 of 19 July 1977 on the certification of hops (5) very strict marketing requirements are prescribed, particularly for mixtures; whereas there is at the moment no method of effectively checking 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 imported from third countries be accompanied by an attestation as specified in Article 5 (2) of Regulation (EEC) No 1696/71;

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

Whereas the United States of America, Poland, Bulgaria and Yugoslavia have undertaken to comply with the requirements laid down for the marketing of hops and hop products and have empowered certain agencies to issue attestations of equivalence; whereas these attestations should therefore be recognized as equivalent to Community certificates and the goods covered by them should be admitted to free circulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to the provisions of Regulation (EEC) No 1646/78 relating to imports of hop cones, products as referred to in Article 1 of Regulation (EEC) No 1696/71 coming from third countries may enter into free circulation in the Community only on production of an attestation as provided for in Article 5 (2) of that Regulation complying with the requirements of this Regulation.

(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 117, 29. 4. 1978, p. 43.
(5) OJ No L 200, 8. 8. 1977, p. 1.

2. Attestations issued in accordance with this Regulation by an issuing authority in the third countries of origin listed in Annex III shall be recognized as equivalent to the certificate provided for in Article 2 of Regulation (EEC) No 1696/71.

Article 2

1. The attestation for each consignment, consisting of an original and two copies, shall be drawn up on a form corresponding to the model set out in Annex I to this Regulation and in accordance with the instructions given in Annex II.

2. The size of the form shall be 210 × 297 mm.

3. Each attestation shall bear an individual serial number given by the issuing authority.

4. The attestation shall be completed either in typescript or by hand and in the latter case shall be printed legibly in ink. The attestation shall be made out in one of the official languages of the Community and may also be in the official language, or an official language, of the country of origin.

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

Article 3

1. On completion of customs formalities required for the entry into free circulation in the Community of the product to which the attestation relates, the original and the two copies shall be submitted to the customs authorities. One copy shall be forwarded by the customs authorities to the authority responsible for supervising the certification system 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.

2. Each package shall bear the following particulars in one of the Community languages :

— the discription of the product,

— the variety or varieties,

— the country of origin,

— the marks and numbers given in section 9 of the attestation.

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

Article 4

1. An attestation shall be valid only if it is duly completed and authenticated by one of the official authorities recognized by the third country of origin and appearing on the list in Annex III to this Regulation.

2. A duly authenticated attestation is one which shows the place and date of issue and bears the stamp of the issuing authority and the signature of the person or persons authorized to sign it.

Article 5

If the product covered by the attestation 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, the name of the authority which issued it and the following information copied from the attestation :

1. for hops :

   (a) the description of the product,

   (b) the net weight and/or gross weight,

   (c) the place of production,

   (d) the year of harvest,

   (e) the variety,

   (f) the country of origin,

   (g) the markings and identification numbers given in section 9 of the attestation ;

2. for products manufactured from hops, in addition to the particulars listed under (1) :

   place and date of processing.

Article 6

This Regulation shall enter into force on the 10th day following its publication in the *Official Journal of the European Communities.*

However, it shall not apply to products other than hop cones which the importer can prove to have been exported from a third country before 1 December 1978 and for which the customs formalities required for entry into free circulation in the Community are completed before January 1979.

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

Done at Brussels, 13 October 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX I

1. Consignor (full name and address)

2. No

ORIGINAL

ATTESTATION OF EQUIVALENCE FOR THE IMPORTATION OF HOPS AND HOP PRODUCTS INTO THE EUROPEAN ECONOMIC COMMUNITY

3. Consignee (full name and address)

Voir traduction au verso — Übersetzung siehe Rückseite — Vedi traduzione a tergo — Zie vertaling aan ommezijde — Oversættelse se bagsiden

IMPORTANT NOTES

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.

B. After endorsing the attestations and the two copies, the customs authorities in the Community 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.

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 the products — Variety

10. Gross weight (kg)

11. ATTESTATION BY ISSUING AUTHORITY

I the undersigned certify that the products described above comply with the rules on hops and hop products applicable in the European Economic Community.

2. Issuing authority (full name and address)

At ....., on .....

.....
(Signature)

(Stamp)

13. RESERVED FOR THE CUSTOMS AUTHORITIES IN THE COMMUNITY

The products described above have been put into free circulation (1)
This attestation has been replaced by .....abstracts (1)

At ..... on .....

.....
(Signature)

(Stamp)

1) Delete where not applicable.

ANNEX II

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 of '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.

ANNEX III

Country of origin	Organizations authorized to issue attestations	Products	CCT heading No
USA	Inspection Division, Federal Grain Inspection Service — Idaho Department of Agriculture, Boise, Idaho — California Department of Agriculture, Sacramento, California — Oregon Department of Agriculture, Salem, Oregon — Washington Department of Agriculture, Yakima, Washington	Hops Hop powder Hop extract	ex 12.06 ex 12.06 13.03 A VI
POLAND	Ministère du commerce extérieur et de l'économie maritime, Service de contrôle de la qualité des produits alimentaires, Varsovie	Hop Hop powder Hop extract	ex 12.06 ex 12.06 13.03 A VI
BULGARIA	Laboratoire du contrôle et des arbitrages près de l'Union économique d'État, 'Bulgarsko TIVO', Sophia, Goroubliane, Bulgarie	Hop Hop powder Hop extract	ex 12.06 ex 12.06 13.03 A VI
YUGOSLAVIA	1. Institut za Hmaljarstvo in Pivovarstvo, Zalec 2. Poljoprivredni Fakultet Novi Sad — Institut za Ratarstvo I Povrtarstvo — Zavod za Hmelj I Sirak, Bački Petrovac	Hop Hop powder Hop extract	ex 12.06 ex 12.06 13.03 A VI