Commission Regulation (EC) No 1850/2006 of 14 December 2006 laying down detailed rules for the certification of hops and hop products

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1952/2005 of 23 November 2005 concerning the common organisation of the market in hops and repealing Regulations (EEC) No 1696/71, (EEC) No 1037/72, (EEC) No 879/73 and (EEC) No 1981/82[(1)], and in particular Article 17 thereof,

Whereas,

(1) Article 4(1) of Regulation (EC) No 1952/2005 provides that the products referred to in Article 1 of that Regulation, harvested or prepared within the Community are to be subject to a certification procedure.

(2) Detailed rules for the certification of hops are laid down in Council Regulation (EEC) No 1784/77 of 19 July 1977 concerning the certification of hops[(2)] and Commission Regulation (EEC) No 890/78 of 28 April 1978 laying down detailed rules for the certification of hops[(3)]. Since further amendments are to be made, it is appropriate, in the interest of clarity, to repeal Regulations (EEC) No 1784/77 and (EEC) No 890/78 and to replace them by a single Regulation.

(3) In order to ensure substantially uniform application of the certification procedure in the Member States, it is necessary to specify the products subject to certification, the operations involved and the information to be given on the documents which accompany the products.

(4) In view of their special nature and their use, certain products should be excluded from the certification procedure.

(5) To enable control to be exercised in respect of hop cones, a declaration signed by the producer should accompany hop cones presented for certification. This declaration should contain information which makes it possible to identify the hops from the moment they are presented for certification until the certificate is issued.

(6) Article 4(2) of Regulation (EC) No 1952/2005 provides for that certificates may be issued only for products having minimum quality characteristics. Provision should therefore be made to ensure that hop cones comply with minimum marketing requirements from the initial marketing stage onwards.

(7) For the purposes of determining the quality characteristics which hops must possess, the moisture content and extraneous matter content should be taken into consideration.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 1850/2006. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

In view of the reputation for quality that Community hops have acquired, the existing procedures customary in commercial transactions should be taken as a basis.

(8) The choice of method for checking the moisture content of hops should be left to the Member States, provided that the methods adopted give comparable results. In case of disputes, a Community method should be used.

(9) Strict rules governing blends should be laid down. Blends of hop cones should therefore be authorised only if they consist of certified products of the same variety coming from the same harvest and the same production area. It should also be specified that blending must be done under supervision and that blends must be subject to the same certification procedure as their components.

(10) In view of users' requirements, it should be permissible under certain conditions to blend certified hops which are not of the same variety and do not come from the same production area in the manufacture of powder and extracts.

(11) Hops prepared from hops certified unprepared may themselves be certified only if preparation is carried out within a closed operating circuit.

(12) To ensure compliance with the certification procedure in the case of hop products, provision should be made for surveillance in accordance with appropriate rules.

(13) The subsequent certification procedure should also be simplified for hop products where the packaging of a product is changed under official surveillance and without processing.

(14) In order to ensure that certified products can be identified, rules should be laid down to the effect that the packaging should bear the necessary entries for official surveillance purposes and for the information of buyers.

(15) In order to ensure that users have exact information on the origin and characteristics of products put on the market, common rules should be laid down for the marking of packages and the numbering of certificates.

(16) In order to take account of current commercial practice in certain Community regions, hops marketed seeded and seedless should be defined and provision made for the appropriate entry on the certificate.

(17) Experimental strains of hops in the course of development may be identified by a name or a number.

(18) Products which are excluded from the certification procedure should be subject to specific requirements, to ensure that those products cannot disturb the normal marketing pattern for certified products and that they are suitable for their declared use and are used only by those to whom they are consigned.

(19) Member States should certify products in accordance with this Regulation through authorised bodies specially designated for that purpose. The lists of those bodies should be communicated to the Commission.

(20) The Member States should define the zones or regions to be considered as hop production areas and communicate the list thereof to the Commission.

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(21) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Hops,

HAS ADOPTED THIS REGULATION:

CHAPTER 1

GENERAL PROVISIONS

Article 1

Subject matter and scope

1 This Regulation lays down detailed rules concerning the certification of hops and hop products.

2 This Regulation shall apply to:

a products referred to in Article 1 of Regulation (EC) No 1952/2005 when harvested in the Community;

b products prepared from products referred to in Article 1 of that Regulation which have either been harvested in the Community or imported from third countries in accordance with Article 9 of that Regulation.

3 This Regulation shall not apply to:

a hops harvested on land owned by a brewery and used by that brewery in the natural or processed state;

b products derived from hops and processed under contract on behalf of a brewery, provided that those products are used by the brewery itself;

c hops and products derived from hops put in small packets for sale to private individuals for their own use;

d products manufactured from isomerised hop products.

However, Article 20 shall apply to the products referred to in points (a), (b) and (c) of this paragraph.

4 Without prejudice to paragraph 3(a), only certified hops, certified hop products prepared from certified hops and hops imported from third countries in accordance with Article 9 of Regulation (EC) No 1952/2005 may be used in the manufacture of products prepared from hops.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

(a) ‘unprepared hops’ means hops which have undergone only preliminary drying and packaging;

(b) ‘prepared hops’ means hops which have undergone final drying and final packaging;

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(c) 'seeded hops' means hops marketed with a seed content exceeding 2 % of their weight;

(d) 'seedless hops' means hops marketed with a seed content not exceeding 2 % of their weight;

(e) 'sealing' means closure of the package under official surveillance and in such a way that the means of closure will be damaged when the package is opened;

(f) 'closed operating circuit' means a process for preparing or processing hops carried out under official surveillance and in such a way that no hops or processed products can be added or removed during the operation. The closed operating circuit starts with the opening of the sealed package containing the hops or hop products to be prepared or processed and ends with the sealing of the package containing the processed hops or hop product;

(g) 'consignment' means a number of packages of hops or hop products with the same characteristics presented at the same time for certification by the same individual or associated producer or by the same processor;

(h) 'hop production areas' means the zones or regions of production in the list prepared by the Member States concerned;

(i) 'concentrated hop powder' means product obtained by the action of a solvent on the product obtained by milling the hops, containing all the natural elements thereof;

(j) 'competent certification authority' means the body or department authorised by the Member State to carry out certification and to approve and control certification centres;

(k) 'marking' means labelling and identification;

(l) 'certification centre' means a venue where certification is carried out;

(m) 'representatives of a competent certification authority' means either personnel employed by the competent certification authority, or employed by a third party and authorised by the competent certification authority to carry out certification duties;

(n) 'official surveillance' means supervision of certification activities by the competent certification authority or its representatives;

(o) 'isomerised hop product' means hop product in which the alpha acids have been almost totally isomerised.

CHAPTER 2

HOPS

Article 3

Hops presented for certification

1 Every consignment of hops presented for certification shall be accompanied by a written declaration signed by the producer giving the following data:

a the producer's name and address;

b the harvest year;

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c the variety;

d the place of production;

e the parcel reference in the integrated administrative and control system (IACS) provided for in Article 17 of Council Regulation (EC) No 1782/2003[(4)], or the land register reference or an official equivalent thereof;

f the number of packages in the consignment.

2 The declaration provided for in paragraph 1 shall accompany the consignment of hops throughout all processing or mixing operations and in any case until the certificate is issued.

Article 4

Marketing requirements

1 In order to be certified, hops shall comply with the conditions referred to in Article 2(a) of Regulation (EC) No 1952/2005 and the minimum marketing requirements set out in Annex I to this Regulation.

2 Compliance with the minimum marketing requirement relating to the moisture content of the hops shall be checked by representatives of the competent certification authority applying one of the methods described in Annex II(B).

The method described in Annex II(B)(2) shall be approved by the competent certification authority and must give results with a standard deviation not exceeding 2,0. In the event of a dispute, compliance shall be checked by the method described in Annex II(B)(1).

3 Compliance with minimum marketing requirements other than the moisture content shall be checked in accordance with normal commercial practice.

However, in the event of a dispute, the method described in Annex II(C) shall be used.

Article 5

Sampling

For the purpose of the control methods referred to in Article 4(2) and (3), samples shall be taken and treated in accordance with the method described in Annex II(A).

Samples shall be taken, in each consignment, from at least one package in 10 and, in any case, from at least two packages in a consignment.

Article 6

Certification procedure

1 The certification procedure shall include the issue of certificates and the marking and sealing of the packages.

2 Certification shall be carried out before the product is offered for sale and, in any event, before processing.