

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

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

Status: Point in time view as at 31/12/2020.

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- (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;
- c the variety;

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- 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⁽¹⁾, 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.

It shall take place not later than 31 March of the year following the year of harvesting. Member States may set an earlier date.

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3 Marking shall be carried out in accordance with Annex III, under official surveillance and after sealing, on the unit of packaging in which the product is to be marketed.

4 The certification procedure shall take place at the farm or at certification centres.

5 If, after certification, the packaging of the hops is changed, with or without further processing, the hops shall be subject to a new certification procedure.

Article 7

Blending

1 Hops certified in accordance with this Regulation may be blended only under official surveillance in certification centres.

2 Hops for blending must come from the same hop production area and the same harvest and be of the same variety.

3 By way of derogation from paragraph 2, certified hops of Community origin which are from the same harvest but of different varieties and from different hop production areas may be blended in the manufacture of powder and extracts provided that the certificate accompanying the product states:

- a the varieties used, the hop production areas and the year of harvesting;
- b the percentage weight of each variety used in the blend; if hop products have been used in combination with cone hops for the manufacturing of hop products, or if different hop products have been used, the percentage weight of each variety based on the quantity of cone hops which was used for the preparation of the input products;
- c the reference numbers of the certificates issued for the hops and hop products used.

Article 8

Resale

In the case of resale of hops within the Community, after a certified consignment has been split up, the product shall be accompanied by an invoice or a commercial document drawn up by the vendor stating the reference number of the certificate.

The invoice or commercial document shall also bear the following information, taken from the certificate:

- (a) the designation of the product;
- (b) the gross and/or net weight;
- (c) the place of production;
- (d) the year of harvest;
- (e) the variety.

CHAPTER 3

HOP PRODUCTS

Article 9

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.
- 3 Marking shall be carried out in accordance with Annex III, under official surveillance and after sealing, on the unit of packaging in which the product is to be marketed.
- 4 Certification procedures shall take place in certification centres.
- 5 If, after certification, the packaging of the hop products is changed, with or without further processing, the product shall be subject to a new certification procedure.

Article 10

Preparation within a closed operating circuit

- 1 Prepared hops produced from hops which were certified unprepared may not be certified unless preparation took place within a closed operating circuit.
The first subparagraph shall also apply to products prepared from hops as referred to in Article 1(4).
- 2 If the hops are prepared in a certification centre:
 - a the certificate shall not be issued until after preparation;
 - b the original unprepared hops shall be accompanied by the declaration referred to in Article 3(1).
- 3 An identification number shall be given to the consignment of original unprepared hops before preparation. This number must appear on the certificate issued for the prepared hops.
- 4 With the exception of the substances listed in Annex IV, only the certified hops and hop products referred to in Article 1(4) of this Regulation may enter the closed operating circuit. They may enter only in the state in which they have been certified.
- 5 If, during the production of extracts manufactured by the use of carbon dioxide, processing in the closed operating circuit has to be interrupted for technical reasons, the representatives of the competent certification authority shall ensure the sealing of the package containing the intermediate product at the point of interruption. The seals may be broken only by the representatives of the competent certification authority when processing resumes.

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Article 11

Official surveillance during production of hop products

1 In the case of production of hop products, representatives of the competent certification authority shall be present at all times when processing is taking place. They shall supervise the processing adequately at every stage, from the opening of the sealed package containing the hops or hop product to be processed to the completion of packing, sealing and marking of the hop product. The absence of representatives of the competent certification authority is permissible as long as it can be assured by technical means, approved by the competent certification authority, that the provisions of this Regulation are respected.

2 Before changing to a different batch in a processing system the representatives of the competent certification authority shall ensure by official surveillance that the processing system is empty, at least to the extent necessary to ensure the elements of two different batches cannot be mixed.

If hops, hop products, spent hops or any other product derived from hops remain in parts of the processing system such as blending or canning containers while hops of another batch is being processed, these parts have to be disconnected from the processing system by suitable technical means and under official surveillance. They may be re-connected to the processing system under official surveillance only.

A physical link between the processing line for concentrated hop powder and that for non-concentrated hop powder shall not be allowed while either is operating.

Article 12

Information and record keeping

1 The operators of hop-processing plants shall provide the representatives of the competent certification authority with all information related to the technical layout of the processing plant.

2 The operators of hop-processing plants shall keep exact records concerning the mass throughput of hops processed. For each batch of hops to be processed records shall be drawn up which contain details of the weights of the input product and the processed product.

As far as the input product is concerned, the records shall furthermore contain the reference number of the certificate for all hop consignments involved and the variety of the hops. If more than one variety is used in the same batch the respective shares of their weights must appear in the records.

As regards the processed product, the variety shall also appear in the records, or, if the processed product is a blend, the composition by varieties.

All weights may be rounded off to the nearest kilogram.

3 Records of the mass throughput shall be made under official surveillance and signed by representatives of the competent certification authority as soon as the processing of a batch has been completed.

They shall be kept by the operator of a processing plant for at least three years.

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Article 13

Change of packaging

- 1 While they are in circulation, hop powders and hop extracts may not undergo a change of packaging with or without further processing, unless this is done under official surveillance.
- 2 Where a change of packaging is carried out without any processing of the product, the new certification procedure shall comprise only:
 - a the marking of the new packaging;
 - b the entry on the original certificate of this marking and the change of packaging.

Article 14

Blending

- 1 Hop products certified in accordance with this Regulation may be blended only under official surveillance in certification centres.
- 2 Certified hop products prepared from certified hops of Community origin which are from the same harvest but of different varieties and from different hop production areas may be blended in the manufacture of powder and extracts provided that the certificate accompanying the product states:
 - a the varieties used, the hop production areas and the year of harvesting;
 - b the percentage weight of each variety used in the blend; if hop products have been used in combination with cone hops for the manufacturing of hop products, or if different hop products have been used, the percentage weight of each variety based on the quantity of cone hops which was used for the preparation of the input products;
 - c the reference numbers of the certificates issued for the hops and hop products used.

Article 15

Resale

In the case of resale of hop products within the Community, after a certified consignment has been split up, the product shall be accompanied by an invoice or a commercial document drawn up by the vendor stating the reference number of the certificate. The invoice or commercial document shall also bear the following information, taken from the certificate:

- (a) the designation of the product;
- (b) the gross and/or net weight;
- (c) the place of production;
- (d) the year of harvest;
- (e) the variety;
- (f) the place and date of processing.

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CHAPTER 4

CERTIFICATE AND MARKING

Article 16

Certificate

1 The certificate shall be issued at the stage of marketing for which the minimum marketing requirements shall apply.

2 In the case of hop cones, the certificate shall include at least the following entries:

- a the description of the product;
- b the reference number of the certificate;
- c the net and/or gross weight;
- d the hop production area or the place of production as referred to in Article 4(3) (a) of Regulation (EC) No 1952/2005;
- e the year of harvesting;
- f the variety;
- g the mention 'seeded hops' or 'seedless hops', as appropriate;
- h at least one of the entries listed in Annex V, applied by the competent certification authority.

3 In the case of products prepared from hops, the certificate shall include, in addition to the entries listed in paragraph 2, the place and date of processing.

4 The reference number of the certificate referred to in paragraph 2(b) shall be made up of codes designating, in accordance with Annex VI, the certification centre, the Member State, the year of harvesting and the relevant consignment.

The reference number shall be the same for all packages in a consignment.

Article 17

Information on the package

Each package shall bear at least the following entries in one of the Community languages:

- (a) the description of the product, including the mentions 'seeded hops' or 'seedless hops', as appropriate, and 'prepared hops' or 'unprepared hops', as the case may be;
- (b) the variety or varieties;
- (c) the reference number of the certificate.

These entries shall appear in legible, indelible characters of uniform size.

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Article 18

Hops from experimental strains

In the case of hops from experimental strains in the course of development and produced by a research institute on its own premises or by a producer on behalf of such an institute, entries referred to in Article 16(2)(f) and Article 17(b) may be replaced by a name or number identifying the strain in question.

Article 19

Proof of certification

The entries appearing on each package and the certificate which accompanies the product shall constitute proof of certification.

CHAPTER 5

EXCEPTIONS

Article 20

Specific requirements

1 In the case referred to in Article 1(3)(a), in respect of each crop, the brewer shall, by 15 November each year at the latest, send to the competent certification authority a declaration of the varieties grown, the quantities harvested, the places of production and the areas planted, together with the IACS or land register references or an official equivalent thereof.

In addition, paragraph 2(a) to (d) and (f) shall apply *mutatis mutandis*, except where the hops are processed or used in their natural state in the brewery itself.

2 In the case referred to in Article 1(3)(b), the competent certification authority shall, when the hops enter the establishment where they are to be processed, issue a document, upon application by the brewery, on which at least the following entries shall be entered in the course of the processing operations:

- a a reference identifying the contract;
- b the recipient brewery;
- c the processing establishment;
- d a description of the processed product;
- e the reference number of the certificate or the attestation of equivalence of the original hops;
- f the weight of the processed product.

The document referred to in the first subparagraph shall be given a reference number, which must also appear on the packaging.

In the case of blends of hops, the following additional indication shall be included on the document and on the package:

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Mixture of hops for own use; may not be marketed.

- 3 In the case referred to in Article 1(3)(c), the weight of the package may not exceed:
- a 1 kg in the case of cones or powder;
 - b 300 g in the case of extract, powder and the new isomerised products;

A description of the product and its weight must appear on the package.

CHAPTER 6

CERTIFICATION BODIES

Article 21

Competent certification authority

1 Member States shall appoint a competent certification authority and ensure that the necessary controls and manuals of procedures are in place, with a view to guaranteeing a minimal quality of the hops and hop products as well as traceability.

2 The competent certification authority, or its representatives, shall carry out certification. It shall have adequate resources to carry out its duties.

3 The competent certification authority is responsible for ensuring the respect of the provisions of this Regulation. The permanence or frequency of compliance control shall be determined on the basis of a risk analysis by the Member State with a minimum frequency of once per month. The effectiveness of risk analysis parameters used in previous years shall be assessed on an annual basis.

Article 22

Approval of certification centres

1 The competent certification authority shall approve certification centres, having a legal personality or sufficient legal capacity to be subject, under national legislation, to rights and obligations, and ensure that they have adequate facilities to carry out the necessary sampling, analytical, statistical and recording tasks.

On the basis of a risk analysis, but at least twice per calendar year, the competent certification authority shall carry out random on-the-spot checks of certification centres in order to verify compliance with the previous subparagraph. The effectiveness of risk analysis parameters used in previous years shall be assessed on an annual basis.

2 If it is found that in the preparation of hop products non-permitted components have been used, or that the components used do not conform to the entries in the certificate as provided for in Article 16, and if this is imputable to deliberate action or serious fault on the part of the certification centre concerned, the competent certification authority shall withdraw the approval of that certification centre.

Approval may not be restored for a period of at least 12 months following the date of withdrawal. On request of the certification centre from which approval was withdrawn, approval shall be restored after two years or, in serious cases, after three years from the date of withdrawal.

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CHAPTER 7

COMMUNICATIONS AND PUBLICATION OF LISTS

[^{F1}Article 23

Notification to the Commission

1 Producing Member States shall notify to the Commission, by 30 June each year at the latest, of:

- a a list of hop production areas;
- b a list of the certification centres and the code for each centre;
- c the names and addresses of the competent certification authorities.

2 The notifications referred to in paragraph 1 shall be made in accordance with Commission Regulation (EC) No 792/2009⁽²⁾.]

Textual Amendments

- F1** Substituted by Commission Regulation (EU) No 173/2011 of 23 February 2011 amending Regulations (EC) No 2095/2005, (EC) No 1557/2006, (EC) No 1741/2006, (EC) No 1850/2006, (EC) No 1359/2007, (EC) No 382/2008, (EC) No 436/2009, (EC) No 612/2009, (EC) No 1122/2009, (EC) No 1187/2009 and (EU) No 479/2010 as regards the notification obligations within the common organisation of agricultural markets and the direct support schemes for farmers.

Article 24

Publication of lists

The Commission shall ensure that the list of hop production areas and the list of certification centres and their code numbers are updated annually and available on the web site of the Commission⁽³⁾.

CHAPTER 8

FINAL PROVISIONS

Article 25

Repeal

Regulation (EEC) No 1784/77 and Regulation (EEC) No 890/78 are repealed.

References to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VII.

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Article 26

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 April 2007.

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

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- (1) OJ L 270, 21.10.2003, p. 1.
- (2) [^{F1}OJ L 228, 1.9.2009, p. 3.]
- (3) <http://ec.europa.eu>

Textual Amendments

- F1** Substituted by Commission Regulation (EU) No 173/2011 of 23 February 2011 amending Regulations (EC) No 2095/2005, (EC) No 1557/2006, (EC) No 1741/2006, (EC) No 1850/2006, (EC) No 1359/2007, (EC) No 382/2008, (EC) No 436/2009, (EC) No 612/2009, (EC) No 1122/2009, (EC) No 1187/2009 and (EU) No 479/2010 as regards the notification obligations within the common organisation of agricultural markets and the direct support schemes for farmers.

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