

**REGULATION No. 31 OF 11 SEPTEMBER 2008 ON
THE CERTIFICATION OF HOPS AND HOP PRODUCTS AND
THE REGISTRATION OF CONTRACTS TO SUPPLY HOPS**

Issued by the Minister of Agriculture and Food

Promulgated, SG No. 82 of 19 September 2008

**Chapter One
GENERAL PROVISIONS**

Article 1. This Regulation shall apply to:

1. the organisation and procedure of certification of hops and hop products;
2. the registration of contracts to supply hops;
3. the communication of data to the European Commission on the organisation of certification and the certification of hops and hop products and on the contracts concluded in advance and the balance of hop harvests.

Article 2. (1) Hops and hop products shall be certified in accordance with 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 (OJ L 314, 30.11.2005) (Council Regulation (EC) No. 1952/2005) and Commission Regulation (EC) No. 1850/2006 of 14 December 2006 laying down detailed rules for the certification of hops and hop products (OJ L 355, 15.12.2006) (Commission Regulation (EC) No. 1850/2006).

(2) Contracts to supply hops shall be registered in accordance with Council Regulation No. 1952/2005 and Commission Regulation No. 1557/2006 of 18 October 2006 laying down detailed rules for implementing Council Regulation (EC) No. 1952/2005 as regards registration of contracts and the communication of data concerning hops (OB L 288, 19.10.2006) (Commission Regulation (EC) No. 1557/2006).

**Chapter Two
ORGANISATION OF THE CERTIFICATION OF HOPS AND HOP PRODUCTS**

Article 3. (1) The Executive Agency for Variety Testing, Field Inspection and Seed Control (IASAS) at the Ministry of Agriculture and Food shall certify hops and hop products produced within the territory of the country.

(2) The Executive Director of the IASAS shall issue an order to approve the manual on the implementation of certification procedures for hops and hop products, which are laid down in this Regulation and in Commission Regulation (EC) No. 1850/2006.

Article 4. (1) Certification of hops and hop products shall be carried out by IASAS officials and other persons assigned with this activity with an order of the Executive Director of the IASAS.

(2) The Executive Director of the IASAS shall organise, on the basis of risk analysis, the surveillance of the certification of hops and hop products in accordance with Commission Regulation (EC) No. 1850/2006.

Article 5. (1) The Executive Director of the IASAS shall issue orders to assign territorial units of the service to perform the functions of certification centres for hops and/or hop products.

(2) The Executive Director of the IASAS shall issue orders, if necessary, to approve certification centres for hops and/or hop products outside the structure of the service provided that they satisfy the following conditions:

1. they are traders within the meaning of the Trade Act;
2. they have the necessary technical capacity to take samples from the certified products and to test the samples;

3. they can keep records and communication data concerning the certification in accordance with Commission Regulation (EC) No. 1850/2006.

(3) The orders referred to in paragraphs 1 and 2 shall assign a code to the certification centre and designate the place where the certification of hops and/or hop products shall take place.

(4) The Executive Director of the IASAS shall approve the certification centres referred to in paragraph 2 on the basis of an application submitted by the relevant trader.

Article 6. (1) The Executive Agency for Variety Testing, Field Inspection and Seed Control shall carry out random on-the-spot checks of approved certification centres in order to verify compliance with the conditions laid down in Article 5(1).

(2) The Executive Director of the IASAS shall withdraw with an order the approval of a certification centre, where it is established that:

1. the certification centre has ceased to satisfy the conditions laid down in Article 5(1);
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, and if this is imputable to fault on the part of the staff of the certification centre concerned.

(3) Approval withdrawn pursuant to paragraph 2 may not be restored in accordance with Article 5(3) for a period of at least 1 year following the date of withdrawal.

Article 7. The Minister of Agriculture and Food, acting at the proposal of the Executive Director of the IASAS, shall issue an order to define the regions to be considered as hop production areas in the Republic of Bulgaria in accordance with Commission Regulation (EC) No. 1850/2006.

Article 8. (1) The Executive Agency for Variety Testing, Field Inspection and Seed Control is the official body responsible for supervising the certification system within the meaning of Commission Regulation (EEC) No. 3076/78 of 21 December 1978 on the importation of hops from non-member countries (OJ L 367, 28.12.1978) (Commission Regulation (EEC) No. 3076/78).

(2) The Executive Agency for Variety Testing, Field Inspection and Seed Control Commission shall perform the control attestation provided for in Article 7a(1) and undertake the action necessary for the implementation of Article 7a(2) of Commission Regulation (EEC) No. 3076/78.

Chapter Three

CERTIFICATION PROCEDURE FOR HOPS AND HOP PRODUCTS

Article 9. (1) The following shall be subject to certification:

1. Hop cones produced in the country, fresh or dried, vegetable saps and extracts of hops;
2. Products made of the commodities referred to in subparagraph 1, including those ground, powdered or in the form of pellets, or with higher lupulin content, produced within the territory of the European Union or imported from third countries in accordance with Article 9 of Council Regulation (EC) No. 1952/2005.

(2) The products referred to in Article 1 may be marketed in the European Union or exported only if a certificate has been issued.

(3) For the products imported into the Community in accordance with Article 9 of Council Regulation (EC) No. 1952/2005, the attestation issued by the authorities of the third country shall be recognised as equivalent to a certificate.

(4) Only certified hops referred to in paragraph 1, subparagraph 1 and certified hop products referred to in paragraph 1, subparagraph 2 and paragraph 3 may be used in the manufacture of products prepared from hops.

Article 10. (1) Every consignment of hops presented by a hops producer for certification shall be accompanied by a written declaration signed by the producer giving the following data:

1. the producer's name and address;

2. the year of harvesting;
3. the variety;
4. the place of production;
5. the reference number of the parcel on which it was produced as indicated in the Integrated Administrative and Control System;
6. the number of packages in the consignment.

(2) The declaration provided for in paragraph 1 shall accompany the consignment of hops or hop products until the certificate is issued.

Article 11. (1) In order to be certified, hops shall comply with the conditions referred to in Annex No. 1.

(2) In the case of hop powder, hop powder with higher lupulin content, extract of hops and mixed hop products, the certificate may only be issued if the alpha acid content of these products is not lower than that of the hops from which they have been prepared.

Article 12. (1) For the purpose of certification of hops, samples shall be taken and treated in accordance with the method described in Annex No. 2.

(2) For the purpose of certification of hops, samples shall be taken, in each consignment, from at least one package in 10 and, in any case, from at least 2 packages in a consignment.

Article 13. (1) Compliance with the minimum marketing requirement relating to the moisture content of the hops shall be checked, applying one of the methods described in Annex No. 3.

(2) Method II described in Annex No. 3 shall be used to establish the moisture content of the hops if approved by the IASAS and if it gives results with a standard deviation not exceeding 2% in comparison to the result of Method I.

(3) In the event of a dispute on the compliance of the hops with the minimum requirement relating to the moisture content, compliance shall be checked by method I described in Annex No. 3.

(4) Compliance of the hops with minimum marketing requirements other than the moisture content shall be checked by applying the method described in Annex No. 4.

Article 14. The persons referred to in Article 4(1) shall certify hops and hop products in accordance with Chapter II and Chapter III of Commission Regulation (EC) No. 1850/2006.

Article 15. (1) The operators of hop-processing plants shall provide the persons referred to in Article 4(1) certifying the products made of hops 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.

(3) The persons referred to in Article 4(1) certifying the products made of hops shall exercise official surveillance and sign the records prepared by the operators.

(4) The operators of hop-processing plants shall keep the records at least 3 years after the end of the processing.

Article 16. (1) Certification of hops and hop products shall be carried out before the product is offered for sale and, in any event, not later than 15 March of the year following the year of harvesting.

(2) The certificate of hops shall bear the following information:

1. the description of the product referred to in Article 8(1);
2. the reference number of the certificate;
3. the net and/or gross weight of the consignment;
4. the production area defined in the order referred to in Article 7;
5. the year of harvesting;
6. the variety of the hops;
7. the mention 'seeded hops' or 'seedless hops', as appropriate;

8. the mention 'Certified product – Regulation (EC) No. 1850/2006'.

(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 of the hops.

(4) The reference number of the certificate referred to in paragraph 2, subparagraph 2 shall be made up of:

1. the code of the certification centre referred to in Article 5(2);
2. the designation BG;
3. the last two figures of the year of harvesting;
4. the number of the consignment.

(5) The certificate shall be issued for the whole consignment.

Article 17. Each package shall bear at least the following entries in legible, indelible characters of uniform size in the Bulgarian language:

1. the description of the product;
2. the mention 'seeded hops' or 'seedless hops', as appropriate;
3. the mention 'unprepared hops' or 'prepared hops', as the case may be;
4. the variety or varieties of the hops in the consignment;
5. the reference number of the certificate.

Article 18. (1) The following shall not be subject to certification:

1. hops harvested on land cultivated by a brewery and used by that brewery in the natural or processed state;
2. products derived from hops and processed under contract on behalf of a brewery, provided that those products are used by the brewery itself;
3. small quantities of hops or products derived from hops, which are not for sale to breweries;
4. products manufactured from isomerised hop products.

(2) In the case referred to in paragraph 1, subparagraph 1, in respect of each crop, the brewer shall, by 15 November each year at the latest, send to the IASAS the following information:

1. the varieties of hops grown;
2. the quantities of hops harvested;
3. the production area defined in the order referred to in Article 7;
4. the reference number of the parcel on which the hops was produced as indicated in the Integrated Administrative and Control System.

(3) In the case referred to in paragraph 1, subparagraph 2, the owner of the brewery shall notify the persons referred to in Article 4(1) certifying hop products. After the production of the hop products, the persons referred to in Article 4(1) shall issue a document with the following entries:

1. number of the document;
2. a reference identifying the contract;
3. the recipient brewery;
4. the processing establishment;
5. a description of the processed product and its weight;
6. the reference numbers of the certificates or the declarations referred to in Article 8(3) of the input hops;
7. in the case of blends of hops, the following indication: 'Mixture of hops for own use; may not be marketed'.

(4) The number of the document referred to in paragraph 3, subparagraph 1 and the indication referred to in paragraph 3, subparagraph 7 shall be included on the package of the hop product.

Chapter Four

REGISTRATION OF CONTRACTS TO SUPPLY HOPS

Article 19. (1) All contracts concluded between producers or hop producer organisations and buyers for the supply of hops harvested within the territory of the country shall be subject to registration at the relevant Regional Directorate for Agriculture and Forestry where the supplier's address or the principal office of business is located.

(2) Regional Directorates for Agriculture and Forestry shall register contracts concluded in advance for the supply of hops separately.

(3) Producers or hop producer organisations and buyers shall include the following clauses in the contracts to supply hops:

1. alpha-acid production (tonnes) and content (%);
2. size of the areas in which the contracted hops was or is to be grown.

(4) Regional Directorates for Agriculture and Forestry shall keep records of the contracts referred to in paragraphs 1 and 2 with the following entries:

1. the parties to the contract;
2. the quantity of hops delivered;
3. the quantity of alpha acids delivered and the contracted average alpha-acid content in percentage;
4. the size of the areas in which the contracted hops was or is to be grown;
5. the deadline and place of delivery;
6. the contracted price per kilogram of hops.

Article 20. (1) Producers and hop producer organisations shall submit to the relevant Regional Directorate for Agriculture and Forestry a copy of the contracts concluded in advance for the supply of hops within a month of their conclusion.

(2) Producers and hop producer organisations shall submit to the relevant Regional Directorate for Agriculture and Forestry copies of the invoices for the supply of hops under the contracts referred to in Article 19(2). Invoices shall be submitted for each delivery or for all deliveries together but not later than 15 March of the current year.

(3) The information contained in the documents referred to in paragraphs 1 and 2 shall be confidential and used only for the purposes of this Regulation and Commission Regulation (EC) No. 1850/2006.

Chapter Five

COMMUNICATION OF DATA TO THE EUROPEAN COMMISSION

Article 21. (1) The Executive Agency for Variety Testing, Field Inspection and Seed Control shall submit to the Ministry of Agriculture and Food, by 15 June each year at the latest:

1. a list of the hop production areas;
2. information on the certification of hops and hop products;
3. a list of the certification centres and the code for each centre;
4. information on the surveillance of certification and the supervision of certification centres;
5. information on the type and frequency of inspections, the results thereof and the percentage of consignments checked pursuant to Article 7a of Commission Regulation (EEC) No. 3076/78.

(2) The Ministry of Agriculture and Food shall communicate to the European Commission, by 30 June each year at the latest, the information referred to in Article 23 of Commission Regulation (EC) No. 1850/2006 and in Article 7a of Commission Regulation (EEC) No. 3076/78.

Article 22. (1) The Executive Agency for Variety Testing, Field Inspection and Seed Control shall submit to the Ministry of Agriculture and Food, by 31 March each year at the latest, information on:

1. the areas down to hops, including newly sown areas;

2. the number of farmers producing hops;
 3. the quantities of certified hops from the harvest of the preceding year.
- (2) Regional Directorates for Agriculture and Forestry shall submit to the head office of the Ministry of Agriculture and Food, by 31 March each year at the latest, information on:
1. the quantity of hops delivered in the preceding year under contracts concluded in advance and other contracts within the territory of the relevant region and the average selling price;
 2. the quantity of alpha acids delivered and the contracted average alpha-acid content in percentage;
 3. the quantities of hops under contracts concluded in advance for the current year within the territory of the relevant region.
- (3) The Ministry of Agriculture and Food shall communicate the information on the harvest of hops provided for in the Annex to Commission Regulation (EC) No. 1557/2006 to the European Commission electronically. The information shall be sent to the Commission by 15 April of the year following that of the harvest concerned.

Chapter Six

PROVISION ON ADMINISTRATIVE PENALTIES

Article 23. Any person failing to discharge or violating an obligation referred to in Article 8(2) and (4), Article 10(1), Article 15(1), (2) and (4), Article 18(3), Article 19(3) and Article 20(1) and (2) shall be penalised pursuant to Article 73 of the Implementing Act on the Common Organisations of Markets in Agricultural Products of the European Union.

SUPPLEMENTARY PROVISIONS

§ 1. For the purposes of this Regulation:

1. 'Hops' means the dried inflorescences, also known as cones, of the (female) climbing hop plant (*Humulus lupulus*); these inflorescences, which are greenish yellow and of an ovoid shape, have a flower stalk and their longest dimension generally varies from 2 to 5 cm.
2. 'Hop powder' means the product obtained by milling the hops, containing all the natural elements thereof.
3. 'Extract of hops' means the concentrated products obtained by the action of a solvent on the hops or on the hop powder.
4. 'Hop powder with higher lupulin content' means the product obtained by milling the hops after mechanical removal of a part of the leaves, stalks, bracts and rachides.
5. 'Mixed hop products' means a mixture of two or more of the products referred to in points 1 to 4.
6. 'Unprepared hops' means hops which have undergone only preliminary drying and packaging.
7. 'Prepared hops' means hops which have undergone final drying and final packaging.
8. 'Seeded hops' means hops marketed with a seed content exceeding 2% of their weight.
9. 'Seedless hops' means hops marketed with a seed content not exceeding 2% of their weight.
10. '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.
11. 'Certification centre' means a venue where certification is carried out.
12. 'Isomerised hop product' means hop product in which the alpha acids have been almost totally isomerised.
13. 'Contracts concluded in advance' means contracts relating to the supply of specific quantities at agreed prices for a period covering one or more harvests and concluded before 1 August of the year of the first harvest concerned.
14. 'Small quantities' means quantities which do not exceed:
 1. 1 kg for hop cones, including ground and powdered hops;
 2. 300 g for extract of hops, hop powder and isomerised hop products.

FINAL PROVISIONS

§ 2. This Regulation is issued in accordance with Article 39 of the Implementing Act on the Common Organisations of Markets in Agricultural Products of the European Union.

§ 3. This Regulation shall apply as from the 2008/2009 harvesting year.

Annex No. 1 to Article 11(1)

MINIMUM MARKETING REQUIREMENTS FOR HOP CONES

Characteristics	Description	Maximum content (% by weight)	
		Prepared hops	Unprepared hops
1	2	3	4
(a) Moisture	Water content	12	14
(b) leaves and stalks	Leaf fragments from branch tendrils, branch tendrils, leaf or cone strigs; to be classed as stalk, cone strigs must be at least 2,5 cm long	6	6
(c) Hop waste	Small particles resulting from machine harvesting, varying in colour between dark green and black and which generally do not come from the cone; the maximum contents indicated may include particles of varieties of hops other than those to be certified, amounting to up to 2% of the weight	3	4
(d) In the case of 'seedless hops', seed	Mature fruit of the cone	2	2

Annex No. 2 to Article 12(1)

SAMPLING METHOD FOR CERTIFICATION PURPOSES

The following procedure shall be used to take samples of hop cones for determining the moisture content and, where applicable, the extraneous matter content:

1. Sampling

(a) Packed hops

A weight of hops proportional to the weight of the package shall be taken from the number of packages specified in Article 11(2).

(b) Hops in a loose pile

Take equal portions from five to ten different places in the pile both at the surface and at various depths to constitute a sample. Place sample in the container as soon as possible. To avoid rapid deterioration, the quantity of hops must be sufficiently large to be highly compressed when the container is closed.

The sample must weigh at least 250 g.

2. Mixture

The samples must be carefully mixed to be representative of the consignment.

3. Sub-sampling

After mixing take one or more representative samples and place them in a waterproof, airtight container such as a metal box, a glass jar or a plastic bag, except where only the extraneous matter content is to be checked.

4. Storage

Except during transport, samples must be stored in a cold place.

Care should be taken to allow the samples to return to room temperature inside the container before opening for examination or analysis.

Annex No. 3 to Article 13(1)

METHODS FOR CHECKING THE MOISTURE CONTENT OF HOPS

1. Method I

Samples for moisture content should not be ground. It is important that they should be exposed to the air only for the minimum time necessary for their transfer from the container to the weighing vessel (which must have a lid).

Apparatus

Balance sensitive to 0,005 g.

Drying oven electrically heated and thermostated to 105 to 107 °C (the efficacy of the oven should be checked by the copper sulphate test).

Metal dishes 70 to 100 mm in diameter, 20 to 30 mm deep and provided with well-fitting lids.

Ordinary desiccators, suitable for accommodating the dishes and containing a desiccant such as indicator silica gel.

Method

Transfer 3 to 5 g of hops to a dish and close the lid before weighing. Weigh as quickly as possible. Remove the lid and place the dish in the oven for one hour exactly. Replace the lid, place the dish in a desiccator to cool for at least 20 minutes and then weigh the dish.

Calculation

Calculate the loss of weight as a percentage of the original weight of hops.

The maximum deviation for individual estimation is 1%.

2. Method II

Method using either an electronic weighing machine which dries the hops with infra-red rays or hot air, or an electric measuring apparatus, which registers on a scale the degree of humidity of the sample taken.

Annex No. 4 to Article 13(4)

METHOD FOR CHECKING THE EXTRANEEOUS MATTER CONTENT

1. Determination of the leaf, stalk and waste content

Sieve five 100 gram samples (or one 250 gram sample) using a 2 to 3 mm sieve. Collect the lupulin, waste and seeds and separate the seeds by hand. Place the samples on one side. Transfer the contents of the 2 to 3 mm sieve to a 8 to 10 mm sieve and sieve again.

The hop cones, leaves, stalks and extraneous matter are collected by hand from the sieve while cone leaves, seeds, lupulin waste and some leaves and stalks pass through. All this is sorted by hand and divided into the following groups:

1. leaves and stalks,
2. hops (cone leaves, hop cones and lupulin),
3. waste,
4. seeds.

Whereas it is extremely difficult to separate the waste and the lupulin precisely it is possible, using a sieve with a mesh size of 0.8 millimetres, to determine approximately the relative proportions of the waste and the lupulin.

When estimating the proportion of lupulin, it should be taken into account that the density of the lupulin is four times greater than that of the waste.

The various groups are weighed and the percentage which each group represents in the weight of the original sample is determined.

2. Determination of the seed content

Place a 25 g sample in a metal container with a lid and heat in a drying oven for two hours at 115 °C in order to neutralise the sticky resin.

Wrap the dried sample in coarse cotton cloth and rub vigorously or beat mechanically in order to detach the seeds from the hops. Separate the dried and finely fragmented hops from the seeds with a grinder or a 1 mm metal sieve.

Separate any items remaining with the seeds using either a sloping surface covered with emery paper or any other method which gives the same result, i.e. retains the stems and other matter and permits the seeds to roll off.

Weigh the seeds and determine the percentage of seeds relative to the weight of the original sample.