

Statutory Instrument 2003 No. 114

The Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2003

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STATUTORY INSTRUMENTS

2003 No. 114

AGRICULTURE, ENGLAND

AGRICULTURE, NORTHERN IRELAND

The Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2003

<i>Made</i>	<i>27th January 2003</i>
<i>Laid before Parliament</i>	<i>27th January 2003</i>
<i>Coming into force</i>	<i>17th February 2003</i>

The Secretary of State^[1], being a Minister designated^[2] for the purposes of section 2(2) of the European Communities Act 1972^[3] in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on her by that section, hereby makes the following Regulations -

Title, extent and commencement

1. These Regulations, which may be cited as the Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2003, shall apply to England and Northern Ireland and shall come into force on 17th February 2003.

Amendment of the Common Agricultural Policy (Wine) (England and Northern Ireland) Regulations 2001

2. The Common Agricultural Policy (Wine) (England and Northern Ireland) Regulations 2001^[4] shall be amended -

(a) in regulation 2(1) -

(i) by substituting for the definition of "specified regions", the following definition: ""specified region" means, for the purposes of point A of Annex VI to Council Regulation (EC) No. 1493/1999, all that area of England situated at an altitude below 220 metres above sea level;"

(ii) by inserting, in its appropriate alphabetical place, the following definition -

" "wine sector product" for the purposes of these Regulations, includes any aromatized wine;"

(iii) in the definition of "the Wine Standards Board" by substituting for the words "of the Vintners' Company", the words ", a company limited by guarantee with company registration number 1127386";

(b) in regulations 5, 6(1), 6(3)(a) and 6(4), by substituting for the words "England or Northern Ireland", the words "the specified region";

(c) in regulations 5, 14 and 16, by substituting for the words "specified regions" the words "specified region";

(d) by inserting after regulation 6, the following regulations -

" Harvest, Production, Treatment and/or Marketing declarations

6A. Declarations submitted each year for the purposes of Articles 2 and 4 of Commission Regulation (EC) 1282/2001 shall take into account the quantities held at 1 December in that year.

Enrichment

6B. A notification of enrichment as referred to in Annex V(G)(5) to Council Regulation (EC) 1493/1999 shall be submitted to the competent body at least 48 hours prior to the commencement of the enrichment operation."^[5]

(e) by substituting for paragraph (1) of regulation 8 the following paragraph -

" 8. - (1) Where an authorised officer inspects any wine sector product he may prohibit its being moved if he has reason to believe -

(a) an offence has been, is being or is likely to be committed in respect of it by contravention of, or failure to comply with, any relevant Community provision referred to in column 1 or 2 of Part I, II, III, V or IX of Schedule 2;

(b) there is, or is likely to be, a risk to public health in relation to that product;
or

(c) there has been or is likely to be, any fraudulent treatment of that product."

- (f) by deleting regulation 13;
- (g) by substituting for Schedule 1, the Schedule set out in the Schedule to these Regulations;
- (h) in item 1 of Part 1 of Schedule 2, by substituting for the entry in column 2 the words -

" Regulation 884/2001: All articles except 1, 2, 9, 17, 18, 20, 21, 22 and 23";
- (i) in item 1 of Part IV of Schedule 2, by substituting for the entry in column 2 the words

" Regulation 1282/2001: Articles 2, 3, 4, 6 and 11";
- (j) by substituting for item 1 of Part V of Schedule 2, the following item -

"1. Regulation 1493/1999: Title V	Regulation 883/2001: All articles except 6, 7, 13, 16, 19, 29, 34, 35 and 36	Requirements relating to trade with third countries in products in the wine sector";
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- (k) in column 1 of Schedule 3, by deleting the asterisk before the names of the following varieties: "Orion", "Phoenix", "Regent" and "Rondo (GM 6494/5)";
- (l) by deleting Schedule 4;
- (m) in item 2 of Schedule 5, by substituting -

(i) for the words "Total Dry Extract", the words "Total Sugar-free Dry Extract"; and

(ii) for "15 g/l", "14 g/l"; and
- (n) in item 4 of Schedule 5, by substituting for "5 g/l", "4 g/l".

Whitty
Parliamentary Under Secretary of State Department for Environment, Food and Rural
Affairs

27th January 2003

SCHEDULE
Regulation 2(g)

" SCHEDULE 1

Regulation 2(1)

COMMUNITY PROVISIONS

<i>Measures containing Community provisions</i>		<i>Official Journal of the European Communities: Reference</i>
1.	Commission Regulation (EEC) No. 1135/70 on the notification of the planting and replanting of vines for the purpose of controlling the development of planting	OJ No. L134, 19.6.70, p.2 (OJ/SE1970(II) p.379)
2.	Council Regulation (EEC) No. 357/79 on statistical surveys of areas under vines, as last amended by Council Regulation (EC) No. 2329/98 (OJ No. L29, 30.10.98, p.2)	OJ No. L54, 5.3.79, p.124
3.	Act concerning conditions of accession of the Hellenic Republic and the adjustments to the Treaties amending various Regulations concerning wine as a result of the accession of Greece, signed on 28 May 1979	OJ No. L291, 19.11.79, p.17
4.	Commission Regulation (EEC) No. 1907/85 on the list of vine varieties and regions providing imported wine for the making of sparkling wines in the Community	OJ No. L179, 11.7.85, p.21
5.	Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic and the adjustments to the Treaties, signed on 12 June 1985	OJ No. L302, 15.11.85, p.23
6.	Council Regulation (EEC) No. 3805/85 adapting, on account of the accession of Spain and Portugal, certain Regulations relating to the wine sector	OJ No. L367, 31.12.85, p.39
7.	Council Regulations (EEC) No. 2392/86 establishing a Community vineyard register, as last amended by Council Regulation (EC) No. 1631/98 (OJ No. L210, 28.7.98, p.14)	OJ No. L208, 31.7.86, p.1
8.	Commission Regulation (EEC) No. 649/87 laying down detailed rules for the establishment of a Community vineyard register, as amended by Commission Regulation (EEC) No. 1097/89 (OJ No. L116, 28.4.89, p.20)	OJ No. L62, 5.3.87, p.10
9.	Commission Regulation (EEC) No. 2676/90 determining Community methods for the analysis of wines as last amended by Commission Regulation (EC) No. 1622/2000 (OJ No. L194, 31.7.2000, p.1)	OJ No. L272, 3.10.90, p.1
10.	Commission Regulation (EEC) No. 3201/90 laying down detailed rules for the description and presentation of wines and grape musts, as last amended by Commission Regulation (EC) No. 885/2001 (OJ No. L128, 10.5.2001, p.54)	OJ No. L309, 8.11.90, p.1

11.	Commission Regulation (EEC) No. 1601/91 laying down general rules on the definition, description and presentation of wines, aromatized wine-based drinks and aromatized wine-product cocktails, as last amended by Regulation (EC) No. 2061/96 of the European Parliament and the Council (OJ No. L277, 30.10.96, p.1)	OJ No. L149, 14.6.91, p.1
12.	Commission Regulation (EEC) No. 3901/91 laying down certain detailed rules on the description and presentation of special wines	OJ No. L368, 31.12.91, p.15
13.	Commission Regulation (EEC) No. 2009/92 determining Community analysis methods for ethyl alcohol of agricultural origin used in the preparation of spirit drinks, aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails	OJ No. L203, 21.7.92, p.10
14.	Council Decision 93/722/EC concerning the conclusion of an Agreement between the European Community and the Republic of Bulgaria on the reciprocal protection and control of wine names	OJ No. L337, 31.12.93, p.11
15.	Council Decision 93/723/EC concerning the conclusion of an Agreement between the European Community and Hungary on the reciprocal establishment of tariff quotas for certain wines	OJ No. L337, 31.12.93, p.83
16.	Council Decision 93/726/EC concerning the conclusion of an Agreement between the European Community and Romania on the reciprocal protection and control of wine names	OJ No. L337, 31.12.93, p.177
17.	Commission Regulation (EC) No. 122/94 laying down certain detailed rules for the application of Council Regulation (EEC) No. 1601/91 on the definition, description and presentation of aromatized wines, aromatized wine-based drinks, and aromatized wine-product cocktails	OJ No. L21, 26.1.94, p.7
18.	Council Decision 94/184/EC concerning the conclusion of an Agreement between the European Community and Australia on trade in wine	OJ No. 86, 31.3.94, p.1
19.	Commission Regulation (EC) No. 554/95 laying down detailed rules for the description and presentation of sparkling and aerated sparkling wines as amended by Commission Regulation (EC) No. 1915/96 (OJ No. L252, 4.10.96, p.10)	OJ No. L56, 14.3.95, p.3
20.	Council Regulation (EC) No. 1493/1999 on the common organisation of the market in wine as last amended by Council Regulation (EC) No. 2585/2001 (OJ No. L345, 29.12.01, p.10)	OJ No. L179, 14.7.1999, p.1
21.	Commission Regulation (EC) No. 1227/2000 laying down detailed rules for the application of Council Regulations (EC) No. 1493/1999 on the common organisation of the market in wine, as regards production potential, as last amended by Commission Regulation (EC) No. 1342/2002 (OJ No. L196, 25.7.2002, p.23)	OJ No. L143, 16.6.2000, p.1
22.	Commission Regulation (EC) No. 1607/2000 laying down	OJ No. L185,

	detailed rules for implementing Regulation (EC) No. 1493/1999 on the common organisation of the market in wine, in particular the Title relating to quality wine produced in specified regions	25.7.2000, p.17
23.	Commission Regulation (EC) No. 1622/2000 laying down certain detailed rules for implementing Regulation (EC) No. 1493/1999 on the common organisation of the market in wine and establishing a Community code on oenological practices and processes, as last amended by Commission Regulation (EC) No. 2244/2002 (OJ No. L341, 16.12.2002, p.27)	OJ No. L194, 31.7.2000, p.45
24.	Commission Regulation (EC) No. 1623/2000 laying down detailed rules for implementing Regulation (EC) No. 1493/1999 on the common organisation of the market in wine with regard to market mechanisms, as last amended by Commission Regulation (EC) No. 1705/2002 (OJ No. L272, 10.1.2002, p.15)	OJ No. L194, 31.7.2000, p.45
25.	Commission Regulation (EC) No. 2729/2000 laying down detailed implementing rules on controls in the wine sector	OJ No. L316, 15.12.2000, p.16
26.	Council Regulation (EC) No. 678/2001 concerning the conclusion of agreements in the form of Exchanges of Letters between the European Community and the Republic of Bulgaria, the Republic of Hungary and Romania on reciprocal trade concessions for certain wines and spirits	OJ No. L94, 4.4.2001, p.1
27.	Commission Regulation (EC) 883/2001 laying down detailed rules for implementing Council Regulation (EC) 1493/1999 as regards trade with third countries in products in the wine sector, as last amended by Commission Regulation (EC) 1574/2002 (OJ No. L235, 3.09.2002, p.10)	OJ No. L128, 10.5.2001, p.1
28.	Commission Regulation (EC) 884/2001 laying down detailed rules of application concerning the documents accompanying the carriage of wine products and the records to be kept in the wine sector, as last amended by Commission Regulation (EC) 1782/2002 (OJ No. 270, 8.10.2002, p.4)	OJ No. L128, 10.5.2001, p.32
29.	Council Regulation (EC) 1037/2001 authorising the offer and delivery for direct human consumption of certain imported wines which have undergone processes not provided for in Regulation (EC) 1493/1999	OJ No. L145, 31.5.2001, p.12
30.	Commission Regulation (EC) 1282/2001 laying down detailed rules for implementing Council Regulation (EC) 1493/1999 as regards the gathering of information to identify wine products and to monitor the wine market	OJ No. L176, 29.6.2001, p.14
31.	Commission Regulation (EC) 2597/2001 opening and providing for the administration of Community tariff quotas for certain wines originating in the Republic of Croatia	OJ No. L345, 29.12.2001, p.35
32.	Council Decision 2002/51/EC on the conclusion of an Agreement between the European Community and the Republic of South Africa on trade in wine	OJ No. L28, 30.1.2002, p.3

33.	Council and Commission Decision 2002/309/EC as regards the agreement on scientific and technological cooperation of 4th April 2002 on the conclusion of seven Agreements with the Swiss Confederation, specifically the provisions of Annex 7 on Trade in Wine Sector products contained in the Agreement between the European Community and the Swiss Confederation on Trade in Agricultural Products	OJ No. L114, 30.4.2002, p.1[6]"
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Common Agricultural Policy (Wine) (England and Northern Ireland) Regulations 2001, which provide for the enforcement of European Community Regulations concerned with the production and marketing of wine and related products.

These Regulations -

- (a) make changes to provide a clearer definition of the specified region of England (regulation 2(a)(i), (b), (c), (f) and (l));
- (b) expand the definition of "wine sector product" to include aromatized wine (regulation 2(a)(ii));
- (c) amend the definition of "the Wine Standards Board" to reflect its new name (regulation 2(a)(iii));
- (d) impose time limits for the notification of declarations and enrichment (regulation 2(d));
- (e) clarify the circumstances when the movement of any wine sector product may be prohibited (regulation 2(e));
- (f) update references to European Community legislation (regulation 2(g), (h), (i) and (j)); and
- (g) make minor changes to the vine varieties which may be used in the production of quality wines psr and to the analytical test for quality wines psr (regulation 2(k), (m) and (n)).

No Regulatory Impact Assessment has been prepared in respect of these Regulations.

Notes:

[1] The functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).[back](#)

[2] S.I. 1972/1811. The continued power of the Minister to make Regulations for Northern

Ireland is confirmed by article 3(2) of S.I. 2000/2812.[back](#)

[3] 1972 c.68.[back](#)

[4] S.I. 2001/686.[back](#)

[5] In relation to regulation 6A, the reference is to Commission Regulation (EC) 1282/2001 (OJ No. L176, 29.6.2001, 14).[back](#)

[6] In relation to Council Regulation (EEC) No. 2392/86, see also the Agreement on the European Economic Area, Protocols 1 (OJ No. L1, 3.1.94, p.37) and 47 (OJ No. L1, 3.1.94, p.210).[back](#)

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