

2007 No. 1943

AGRICULTURE, ENGLAND

AGRICULTURE, NORTHERN IRELAND

The Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2007

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|-------------------------------|------------------------|
| <i>Made</i> - - - - | <i>5th July 2007</i> |
| <i>Laid before Parliament</i> | <i>10th July 2007</i> |
| <i>Coming into force</i> - - | <i>1st August 2007</i> |

The Secretary of State(a) has been designated for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community(c) and in relation to measures relating to food (including drink) including the primary production of food(d).

There has been open and transparent public consultation during the preparation of the following Regulations as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(e) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

The Secretary of State makes the following Regulations under the powers conferred by section 2(2) of the European Communities Act 1972:

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2007 and come into force on 1st August 2007.

(2) In these Regulations “the 2001 Regulations” means the Common Agricultural Policy (Wine) (England and Northern Ireland) Regulations 2001(f).

Amendment of the 2001 Regulations

2.—(1) The 2001 Regulations are amended as follows.

(a) 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).
(b) 1972 c.68.
(c) S.I. 1972/1811. The continued power of the Secretary of State to make Regulations for Northern Ireland is confirmed by article 3(2) of S.I. 2000/2812.
(d) S.I. 2003/2901.
(e) OJ No. L31, 1.2.2002, p. 1, last amended by Commission Regulation (EC) No. 575/2006 (OJ No. L100, 8.4.2006, p. 3).
(f) S.I. 2001/686, amended by S.I. 2003/114, 2004/1046, 2005/2992, 2006/1499.

(2) In regulation 2(1), replace the definitions of “Commission Regulation (EC) No. 1622/2000”, “Commission Regulation (EC) No. 1623/2000”, “Commission Regulation (EC) No. 883/2001”, “Commission Regulation (EC) No. 884/2001”, “Commission Regulation (EC) No. 753/2002” and “Council Regulation (EC) No. 1493/1999”(a) with the following definitions—

““Commission Regulation (EC) No. 1622/2000” means Commission Regulation (EC) No. 1622/2000(b) 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, and references in Schedules 2 and 5 to “Regulation 1622/2000” shall be construed accordingly;”;

““Commission Regulation (EC) No. 1623/2000” means Commission Regulation (EC) No. 1623/2000(c) 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, and the reference in Part I of Schedule 2 to “Regulation 1623/2000” shall be construed accordingly;”;

““Commission Regulation (EC) No. 883/2001” means Commission Regulation (EC) No. 883/2001(d) laying down detailed rules for implementing Council Regulation (EC) No. 1493/1999 as regards trade with third countries in products in the wine sector, and the reference in Part V of Schedule 2 to “Regulation 883/2001” shall be construed accordingly;”;

““Commission Regulation (EC) No. 884/2001” means Commission Regulation (EC) No. 884/2001(e) 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, and the reference in Part I of Schedule 2 to “Regulation 884/2001” shall be construed accordingly;”;

““Commission Regulation (EC) No. 753/2002” means Commission Regulation (EC) No. 753/2002(f) laying down certain rules for applying Council Regulation (EC) No. 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products;”;

““Council Regulation (EC) No. 1493/1999” means Council Regulation (EC) No. 1493/1999(g) on the common organisation of the market in wine, and references in Schedules 2 and 5 to “Regulation 1493/1999” shall be construed accordingly;”.

(3) For Schedule 1, substitute the Schedule set out in the Schedule to these Regulations.

(4) In Schedule 3, insert the following entries at the appropriate places—

| Name of variety | Synonymous name | Grape colour |
|---------------------|--------------------|--------------|
| “Acolon | | Black” |
| “Cabernet Sauvignon | | Black” |
| “Frühburgunder | Pinot Noir Précoce | Black” |
| “Merlot | | Black” |

(5) In Schedule 5 omit—

- (a) paragraph 2; and
- (b) the first sentence of paragraph 7.

(a) The definition of Council Regulation (EC) No. 1493/99 was inserted in the 2001 Regulations by S.I. 2004/1046 and subsequently substituted by S.I. 2005/2992. The definitions of Commission Regulation (EC) No. 1622/2000, Commission Regulation (EC) No. 1623/2000, Commission Regulation (EC) No. 883/2001, Commission Regulation (EC) No. 884/2001 and Commission Regulation (EC) No. 753/2002 were inserted in the 2001 Regulations by S.I. 2005/2992.

(b) OJ No. L 194, 31.7.2000, p. 1, last amended by Commission Regulation (EC) No. 389/2007 (OJ No. L 97, 12.4.2007, p. 5).

(c) OJ No. L 194, 31.7.2000, p. 45, last amended by Commission Regulation (EC) No. 2016/2006 (OJ No. L 384, 29.12.2006, p. 38).

(d) OJ No. L 128, 10.5.2001, p. 1, last amended by Commission Regulation (EC) No. 2016/2006.

(e) OJ No. L 128, 10.5.2001, p. 32, last amended by Commission Regulation (EC) No. 2016/2006.

(f) OJ No. L 118, 4.5.2002, p. 1, last amended by Commission Regulation (EC) No. 382/2007 (OJ No. L 95, 5.4.2007, p. 12).

(g) OJ No. L 179, 14.7.1999, p. 1, last amended by Council Regulation (EC) No. 1791/2006 (OJ No. L 363, 20.12.2006, p. 1).

(6) In Schedule 6(a), omit the entry in columns 1 and 2 of the table relating to total dry extract (obtained by densimetry).

5th July 2007

Jeff Rooker
Minister of State
Department for Environment, Food and Rural Affairs

SCHEDULE

Regulation 2(3)

“SCHEDULE 1

Regulation 2(1)

COMMUNITY PROVISIONS

1. Council Regulation (EEC) No. 357/79**(b)** on statistical surveys of areas under vines.
2. Commission Regulation (EEC) No. 1907/85**(c)** on the list of vine varieties and regions providing imported wine for the making of sparkling wines in the Community.
3. Council Regulation (EEC) No. 2392/86**(d)**.
4. Commission Regulation (EEC) No. 649/87**(e)** laying down detailed rules for the establishment of a Community vineyard register.
5. Commission Regulation (EEC) No. 2676/90**(f)**.
6. Council Regulation (EEC) No. 1601/91**(g)** laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails.
7. Commission Regulation (EEC) No. 2009/92**(h)** 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.
8. Commission Regulation (EC) No. 122/94**(i)** 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.
9. Council Decision 94/184/EC**(j)** concerning the conclusion of an Agreement between the European Community and Australia on trade in wine.

(a) Schedule 6 was inserted by S.I. 2004/1046.

(b) OJ No. L 54, 5.3.1979, p. 124, last amended by Council Regulation (EC) No. 1791/2006 (OJ No. L363, 20.12.2006, p.1).

(c) OJ No. L 179, 11.7.1985, p. 21, last amended by Commission Regulation (EC) No. 2016/2006 (OJ No. L 384, 29.12.2006, p. 38).

(d) OJ No. L 208, 31.7.1986, p. 1, last amended by Council Regulation (EC) No. 1631/98 (OJ No. L 210, 28.7.98, p. 14).

(e) OJ No. L 62, 5.3.1987, p. 10, last amended by Commission Regulation (EEC) No. 1097/89 (OJ No. L 116, 28.4.89, p. 20).

(f) OJ No. L 272, 3.10.1990, p. 1, last amended by Commission Regulation (EC) No. 1293/2005 (OJ No. L 205, 5.8.2005, p. 12).

(g) OJ No. L 149, 14.6.1991, p. 1, last amended by Regulation (EC) No. 2061/96 of the European Parliament and of the Council (OJ No. L 277, 30.10.1996, p. 1).

(h) OJ No. L 203, 21.7.1992, p. 10.

(i) OJ No. L 21, 26.1.1994, p. 7.

(j) OJ No. L 86, 31.3.1994, p. 1.

- 10.** Council Regulation (EC) No. 1493/1999.
- 11.** Commission Regulation (EC) No. 1227/2000(a) laying down detailed rules for the application of Council Regulation (EC) No. 1493/1999 on the common organisation of the market in wine, as regards production potential.
- 12.** Commission Regulation (EC) No. 1607/2000(b) laying down 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.
- 13.** Commission Regulation (EC) No. 1622/2000.
- 14.** Commission Regulation (EC) No. 1623/2000.
- 15.** Commission Regulation (EC) No. 2729/2000(c) laying down detailed implementing rules on controls in the wine sector.
- 16.** Commission Regulation (EC) No. 883/2001.
- 17.** Commission Regulation (EC) No. 884/2001.
- 18.** Council Regulation (EC) No. 1037/2001(d) authorising the offer and delivery for direct human consumption of certain imported wines which have undergone oenological processes not provided for in Regulation (EC) No. 1493/1999.
- 19.** Commission Regulation (EC) No. 1282/2001(e) laying down detailed rules for the application of Council Regulation (EC) No. 1493/1999 as regards the gathering of information to identify wine products and to monitor the wine market and amending Regulation (EC) No. 1623/2000.
- 20.** Commission Regulation (EC) No. 2597/2001(f) opening and providing for the administration of Community tariff quotas for certain wines originating in the Republic of Croatia, in the former Yugoslav Republic of Macedonia and in the Republic of Slovenia, insofar as it relates to the Republic of Croatia.
- 21.** Council Decision 2002/51/EC(g) on the conclusion of an Agreement between the European Community and the Republic of South Africa on trade in wine.
- 22.** Council and Commission Decision 2002/309/EC(h) as regards the Agreement on Scientific and Technological Cooperation on the conclusion of seven Agreements with the Swiss Confederation, insofar as it relates to the provisions of Annex 7 on trade in wine sector products annexed to the Agreement between the European Community and the Swiss Confederation on Trade in Agricultural Products.
- 23.** Commission Regulation (EC) No. 753/2002.
- 24.** Council Decision 2002/979/EC(i) on the signature and provisional application of certain provisions of an Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other

(a) OJ No. L 143, 16.6.2000, p. 1, last amended by Commission Regulation (EC) No. 1216/2005 (OJ No. L 199, 29.7.2005, p. 32).

(b) OJ No. L 185, 25.7.2000, p.17, last amended by Commission Regulation (EC) No. 2030/2006 (OJ No. L 414, 30.12.2006, p. 40).

(c) OJ No. L 316, 15.12.2000, p. 16, last amended by Commission Regulation (EC) No. 2030/2006.

(d) OJ No. L 145, 31.5.2001, p. 12, last amended by Commission Regulation (EC) No. 2079/2005 (OJ No. L 333, 20.12.2005, p. 6).

(e) OJ No. L 176, 29.6.2001, p. 14.

(f) OJ No. L 345, 29.12.2001, p. 35, last amended by Commission Regulation (EC) No. 2088/2004 (OJ No. L 361, 8.12.2004, p. 3).

(g) OJ No. L 28, 30.1.2002, p. 3.

(h) OJ No. L 114, 30.4.2002, p. 1.

(i) OJ No. L 352, 30.12.2002, p. 1.

part, insofar as those provisions relate to trade in wine, aromatized wine, aromatized wine-based drinks and aromatized wine-product cocktails.

25. Council Regulation (EC) No. 527/2003(a) authorising the offer and delivery for direct human consumption of certain wines imported from Argentina which may have undergone oenological processes not provided for in Regulation (EC) No. 1493/1999.

26. Council Decision 2004/91/EC(b) on the conclusion of the agreement between the European Community and Canada on trade in wines and spirit drinks.

27. Council Decision 2006/136/EC(c) on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Chile concerning amendments to the Agreement on Trade in Wines annexed to the Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part.

28. Council Decision 2006/232/EC(d) on the conclusion of the Agreement between the European Community and the United States of America on trade in wine.

29. Commission Decision 2006/567/EC(e) on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Chile concerning amendments to Appendices I, II, III and IV of the Agreement on Trade in Wines annexed to the Association Agreement between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part.

30. Commission Decision 2006/568/EC(f) on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Chile concerning amendments to Appendix II of the Agreement on Trade in Spirit Drinks and Aromatised Drinks annexed to the Association Agreement between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, insofar as it relates to aromatised drinks.

31. Commission Decision 2006/569/EC(g) on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Chile concerning amendments to Appendix VI of the Agreement on Trade in Wines annexed to the Association Agreement between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part.

32. Council Decision 2006/580/EC(h) concerning the signing and conclusion of the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Albania, of the other part, insofar as it relates to wine and aromatised drinks.

33. Commission Regulation (EC) No. 1416/2006(i) laying down specific rules on the implementation of Article 7(2) of the Agreement between the European Community and the United States of America on trade in wine concerning the protection of US names of origin in the Community.”

(a) OJ No. L 78, 25.3.2003, p. 1, last amended by Council Regulation (EC) No. 1912/2005 (OJ No. L 307, 25.11.2005, p. 1).
(b) OJ No. L 35, 6.2.2004, p. 1.
(c) OJ No. L 54, 24.2.2006, p. 23.
(d) OJ No. L 87, 24.3.2006, p. 1.
(e) OJ No. L 231, 24.8.2006, p. 1.
(f) OJ No. L 231, 24.8.2006, p. 135.
(g) OJ No. L 231, 24.8.2006, p. 139.
(h) OJ No. L 239, 1.9.2006, p. 1.
(i) OJ No. L 267, 27.9.2006, p. 22.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations amend the Common Agricultural Policy (Wine) (England and Northern Ireland) Regulations 2001 (S.I. 2001/686), which provide for the enforcement in England and Northern Ireland of European Community legislation concerned with the production and marketing of wine and related products.

These Regulations—

- (a) update references to European Community legislation by making changes to the definitions in the 2001 Regulations (regulation 2(2)) and substituting a new Schedule 1 to the 2001 Regulations (regulation 2(3) and the Schedule);
- (b) add Acolon, Cabernet Sauvignon, Frühburgunder (with the synonym Pinot Noir Précoce) and Merlot to the list of vine varieties that may be used in the production of wines in England and Northern Ireland (regulation 2(4));
- (c) make minor changes to the analytical tests for quality wine psr by removing the total sugar-free dry extract test and standard (regulation 2(5)(a)) and removing the minimum standard relating to free sulphur dioxide (regulation 2(5)(b)); and
- (d) make a minor change to the analytical tests for table wines with a geographical indication by removing the total dry extract test and standard (regulation 2(6)).

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available at www.defra.gov.uk or from the Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and is annexed to the Explanatory Memorandum which is available alongside this instrument on the OPSI website (www.opsi.gov.uk).

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