

2005 No. 2992

AGRICULTURE, ENGLAND

AGRICULTURE, NORTHERN IRELAND

The Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2005

<i>Made</i> - - - -	<i>27th October 2005</i>
<i>Laid before Parliament</i>	<i>31st October 2005</i>
<i>Coming into force</i> - -	<i>25th November 2005</i>

The Secretary of State^(a) is a Minister designated^(b) for the purposes of section 2(2) of the European Communities Act 1972^(c) in relation to the common agricultural policy of the European Community.

In exercise of the powers conferred by that section, the Secretary of State makes the following Regulations—

Title and commencement

1. These Regulations may be cited as the Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2005 and shall come into force on 25th November 2005.

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

2.—(1) The Common Agricultural Policy (Wine) (England and Northern Ireland) Regulations 2001^(d) are amended as follows.

(2) The following definition of “the Commissioners” is substituted for the definition of that term in regulation 2(1)—

““the Commissioners” means the Commissioners for Revenue and Customs;”.

(3) The following definition of “Council Regulation (EC) No. 1493/1999” is substituted for the definition of that term in regulation 2(1)—

(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) 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.
(c) 1972 c.68.
(d) S.I. 2001/686, amended by S.I. 2003/114, 2004/1046.

““Council Regulation (EC) No. 1493/1999” means Council Regulation (EC) No. 1493/1999(a) on the common organisation of the market in wine, as last amended by Commission Regulation (EC) No. 1795/2003(b), and references in Schedules 2 and 5 to “Regulation 1493/1999” shall be construed accordingly;”.

(4) The following definitions are inserted in their appropriate alphabetical places in regulation 2(1)—

““Commission Regulation (EEC) No. 2676/90” means Commission Regulation (EEC) No. 2676/90(c) determining Community methods for the analysis of wines, as last amended by Commission Regulation (EC) No. 355/2005(d);”;

““Commission Regulation (EC) No. 1622/2000” means Commission Regulation (EC) No. 1622/2000(e) 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. 1428/2004(f), 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(g) 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. 1774/2004(h), 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(i) laying down detailed rules for implementing Council Regulation (EC) No. 1493/1999 as regards trade with third countries in products in the wine sector, as last amended by Commission Regulation (EC) No. 908/2004(j), 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(k) 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) No. 908/2004, 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(l) 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, as last amended by Commission Regulation (EC) No. 1991/2004(m);”;

““Council Regulation (EEC) No. 2392/86” means Council Regulation (EEC) No. 2392/86(n) establishing a Community vineyard register, as last amended by Council

(a) OJ No. L 179, 14.7.99, p.1.
(b) OJ No. L 262, 14.10.2003, p.13.
(c) OJ No. L 272, 3.10.90, p.1.
(d) OJ No. L 56, 2.3.2005, p.3.
(e) OJ No. L 194, 31.7.2000, p.1.
(f) OJ No. L 263, 10.8.2004, p.7.
(g) OJ No. L 194, 31.7.2000, p.45.
(h) OJ No. L 316, 15.10.2004, p.61.
(i) OJ No. L 128, 10.5.2001, p.1.
(j) OJ No. L 163, 30.4.2004, p.56.
(k) OJ No. L 128, 10.5.2001, p.32.
(l) OJ No. L 118, 4.5.2002, p.1.
(m) OJ No. L 344, 20.11.2004, p.9.
(n) OJ No. L 208, 31.7.86, p.1.

Regulation (EC) No. 1631/98(a), and the reference in Part VII of Schedule 2 to “Regulation 2392/86” shall be construed accordingly;”.

- (5) The Schedule set out in Schedule 1 to these Regulations is substituted for Schedule 1.
- (6) In Schedule 2—
- (a) the items set out in Part 1 of Schedule 2 to these Regulations are substituted for items 1 and 2 of the table set out in Part III of Schedule 2;
 - (b) the item set out in Part 2 of Schedule 2 to these Regulations is substituted for item 12 of the table set out in Part V of Schedule 2; and
 - (c) the number “1999” is substituted for the number “2000” in the first column of item 15 of the table set out in Part V of Schedule 2.
- (7) The following entries are inserted in Schedule 3 in their appropriate alphabetical places —

“Gamay Gewurztraminer	Black White”
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- (8) The Schedule set out in Schedule 3 to these Regulations is substituted for Schedule 7.

27th October 2005

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

SCHEDULE 1

Regulation 2(5)

THE SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 1

“SCHEDULE 1

Regulation 2(1)

COMMUNITY PROVISIONS

<i>Measures containing Community Provisions</i>	<i>Official Journal of the European Communities: Reference</i>
1. 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. L 291, 30.10.98, p.2)	OJ No. L 54, 5.3.79, p.124
2. 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. L 179, 11.7.85, p.21
3. 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. L 367, 31.12.85, p.39
4. Council Regulation (EEC) No. 2392/86	OJ No. L 208, 31.7.86, p.1

(a) OJ No. L 210, 28.7.98, p.14.

- 5.** 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. L 116, 28.4.89, p.20) OJ No. L 62, 5.3.87, p.10
- 6.** Commission Regulation (EEC) No. 2676/90 OJ No. L 272, 3.10.90, p.1
- 7.** Council Regulation (EEC) No. 1601/91 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails, as last amended by Regulation (EC) No. 2061/96 of the European Parliament and of the Council (OJ No. L 277, 30.10.96, p.1) OJ No. L 149, 14.6.91, p.1
- 8.** 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. L 203, 21.7.92, p.10
- 9.** 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. L 337, 31.12.93, p.11
- 10.** Council Decision 93/723/EC concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines OJ No. L 337, 31.12.93, p.83
- 11.** 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. L 337, 31.12.93, p.177
- 12.** 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. L 21, 26.1.94, p.7
- 13.** Council Decision 94/184/EC concerning the conclusion of an Agreement between the European Community and Australia on trade in wine OJ No. L 86, 31.3.94, p.1
- 14.** Council Regulation (EC) No. 1493/1999 OJ No. L 179, 14.7.1999, p.1
- 15.** Commission Regulation (EC) No. 1227/2000 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, as last amended by Commission Regulation (EC) No. 1389/2004 (OJ No. L 255, 31.7.2004, p.7) OJ No. L 143, 16.6.2000, p.1
- 16.** Commission Regulation (EC) No. 1607/2000 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 OJ No. L 185, 25.7.2000, p.17

- 17.** Commission Regulation (EC) No. 1622/2000 OJ No. L 194, 31.7.2000, p.1
- 18.** Commission Regulation (EC) No. 1623/2000 OJ No. L 194, 31.7.2000, p.45
- 19.** Commission Regulation (EC) No. 2729/2000 laying down detailed implementing rules on controls in the wine sector, as amended by Commission Regulation (EC) No. 2120/2004 (OJ No. L 367, 14.12.2004, p.11) OJ No. L 316, 15.12.2000, p.16
- 20.** 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 preferential trade concessions for certain wines and spirits, and amending Regulation (EC) No. 933/95 OJ No. L 94, 4.4.2001, p.1
- 21.** Commission Regulation (EC) No. 883/2001 OJ No. L 128, 10.5.2001, p.1
- 22.** Commission Regulation (EC) No. 884/2001 OJ No. L 128, 10.5.2001, p.32
- 23.** Council Regulation (EC) No. 1037/2001 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, as last amended by Council Regulation (EC) No. 2324/2003 (OJ No. L 345, 31.12.2003, p.24) OJ No. L 145, 31.5.2001, p.12
- 24.** Commission Regulation (EC) No. 1282/2001 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 OJ No. L 176, 29.6.2001, p.14
- 25.** Commission Regulation (EC) No. 2597/2001 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, as amended by Commission Regulation (EC) No. 2088/2004 (OJ No. L 361, 8.12.2004, p.3) OJ No. L 345, 29.12.2001, p.35
- 26.** 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. L 28, 30.1.2002, p.3
- 27.** 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, insofar as it relates to 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. L 114, 30.4.2002, p.1
- 28.** Commission Regulation (EC) No. 753/2002 OJ No. L 118, 4.5.2002, p.1
- 29.** Council Decision 2002/979/EC 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 part, insofar as those provisions relate to OJ No. L 352, 30.12.2002, p.1

trade in wine, aromatized wine, aromatized wine-based drinks and aromatized wine-product cocktails

- 30.** Council Regulation (EC) No. 527/2003 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, as last amended by Council Regulation (EC) No. 2067/2004 (OJ No. L 358, 3.12.2004, p.1) OJ No. L 78, 25.3.2003, p.1
- 31.** Commission Regulation (EC) No. 2303/2003 on specific labelling rules for wines imported from the United States of America OJ No. L 342, 30.12.2003, p.5
- 32.** Commission Decision 2004/91/EC on the conclusion of the agreement between the European Community and Canada on trade in wines and spirit drinks OJ No. L 35, 6.2.2004, p.1
- 33.** Commission Regulation (EC) No. 709/2004 laying down transitional measures in the wine sector as a result of Malta joining the European Union OJ No. L 111, 17.4.2004, p.21”
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SCHEDULE 2

Regulation 2(6)

ITEMS TO BE SUBSTITUTED IN SCHEDULE 2

PART 1

ITEMS TO BE SUBSTITUTED IN PART III OF SCHEDULE 2

“1. Council Regulation (EC) No.1493/1999: Articles 48 and 49 and Annex VII	Commission Regulation (EC) No. 753/2002: all Articles except insofar as they relate to sparkling wines	General rules and particular requirements relating to the description, designation, presentation and protection of certain products other than sparkling wines
2. Council Regulation (EC) No. 1493/1999: Articles 48 and 49 and Annex VIII	Commission Regulation (EC) No. 753/2002: all Articles insofar as they relate to sparkling wines	General rules and particular requirements relating to the description, designation, presentation and protection of sparkling wines”

PART 2

ITEM TO BE SUBSTITUTED IN PART V OF SCHEDULE 2

“12. Council Regulation (EC) No. 1493/1999: Article 46(3)	Commission Regulation (EEC) No. 2676/90	Community methods for the analysis of wines”
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THE SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 7

“SCHEDULE 7

GEOGRAPHICAL UNITS PRODUCING REGIONAL WINES

1. This Schedule applies to the geographical units specified in column 1 of the following table comprising in each case the area specified in the corresponding entry in column 2 of the table other than land within that area that is situated at an altitude of more than 250 metres above sea level—

Column (1)	Column (2)
Name of geographical unit	Geographical extent of unit
1. Berkshire	The area consisting of the Royal County of Berkshire
2. Buckinghamshire	The area consisting of the county of Buckinghamshire
3. Cheshire	The area consisting of the county of Cheshire
4. Cornwall	The area consisting of the county of Cornwall
5. Derbyshire	The area consisting of the county of Derbyshire
6. Devon	The area consisting of the counties of Devon, Plymouth and Torbay
7. Dorset	The area consisting of the counties of Bournemouth, Dorset and Poole
8. East Anglia	The area consisting of the counties of Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Luton, Norfolk, Peterborough, Southend-on-Sea, Suffolk and Thurrock
9. England	The area consisting of England
10. Gloucestershire	The area consisting of the counties of Bristol, Gloucestershire and South Gloucestershire
11. Hampshire	The area consisting of the counties of Hampshire, Portsmouth and Southampton
12. Herefordshire	The area consisting of the county of Herefordshire
13. Isle of Wight	The area consisting of the county of Isle of Wight
14. Isles of Scilly	The area consisting of the Isles of Scilly
15. Kent	The area consisting of the counties of Kent and the Medway ^(a)
16. Lancashire	The area consisting of the county of Lancashire
17. Leicestershire	The area consisting of the county of Leicestershire
18. Lincolnshire	The area consisting of the counties of Lincolnshire, North East Lincolnshire and North Lincolnshire

(a) The name of the county was changed from Medway Towns to Medway from 1st April 1998 by a resolution passed by Medway Towns Council under section 74 of the Local Government Act 1972 (c.70) on 1st April 1998.

19. Northamptonshire	The area consisting of the county of Northamptonshire
20. Nottinghamshire	The area consisting of the county of Nottinghamshire
21. Oxfordshire	The area consisting of the county of Oxfordshire
22. Rutland	The area consisting of the county of Rutland
23. Shropshire	The area consisting of the counties of Shropshire and the Wrekin
24. Somerset	The area consisting of the counties of Bath and North East Somerset, Somerset and North Somerset ^(a)
25. Staffordshire	The area consisting of the county of Staffordshire
26. Surrey	The area consisting of the county of Surrey
27. Sussex	The area consisting of the counties of Brighton and Hove, East Sussex and West Sussex
28. Warwickshire	The area consisting of the county of Warwickshire
29. West Midlands	The area consisting of the county of West Midlands
30. Wiltshire	The area consisting of the county of Wiltshire
31. Worcestershire	The area consisting of the county of Worcestershire
32. Yorkshire	The area consisting of the counties of the City of Kingston upon Hull, East Riding of Yorkshire, North Yorkshire, South Yorkshire, West Yorkshire and York

2. In this Schedule any reference to a named county is a reference to a county established by or under the Local Government Act 1972^(b) or by an order made under section 17 of the Local Government Act 1992^(c).”

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- (a) The name of the county was changed from North West Somerset to North Somerset with effect from 28th June 2005 by a resolution passed by North Somerset District Council under section 74 of the Local Government Act 1972 (c.70) on 28th June 2005.
 - (b) 1972 c.70. See, in particular, section 1(2) of, and Schedule 1 to, the 1972 Act and any amendments made to county areas by orders made under section 51 of the 1972 Act (section 51 was repealed by the Local Government Act 1992 (c.19) but the provisions of Orders made under that section continue in force by virtue of section 29(3) of the 1992 Act) and section 17 of the 1992 Act.
 - (c) 1992 c.19; section 17 was amended by the Police and Magistrates’ Courts Act 1994 (c.29), section 39(4) and (5); the Police Act 1996 (c.16), paragraph 44 of Schedule 7; the Local Government and Rating Act 1997 (c.29), section 20(1); the Local Government Act 2000 (c.22), section 89(3) and S.I. 2001/3962.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

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

These Regulations—

- (a) update the definition of “the Commissioners” in regulation 2(1) of the 2001 Regulations following the vesting of functions previously exercisable by the Commissioners of Customs and Excise in the Commissioners for Revenue and Customs (regulation 2(2));
- (b) update references to European Community legislation by making changes to the definitions in the 2001 Regulations (regulation 2(3) and (4)), substituting a new Schedule 1 to the 2001 Regulations (regulation 2(5) and Schedule 1) and updating Parts III and Part V of Schedule 2 to the 2001 Regulations (regulation 2(6)(a) and (b) and Schedule 2);
- (c) correct an error in item 15 of the table set out in Part V of Schedule 2 to the 2001 Regulations (regulation 2(6)(c));
- (d) add Gamay and Gewurztraminer to the list of vine varieties that may be used in the production of wines in England and Northern Ireland (regulation 2(7)); and
- (e) make changes to the geographical indications that may be used for the designation of regional wines by substituting a new Schedule 7 to the 2001 Regulations which adds Berkshire, Buckinghamshire, Cheshire, Derbyshire, Lancashire, Leicestershire, Northamptonshire, Nottinghamshire, Rutland, Staffordshire, Warwickshire, West Midlands and Wiltshire to the list of names of geographical units that may be used to describe regional wines produced in those units (regulation 2(8) and Schedule 3).

A full regulatory impact assessment has not been prepared for this instrument as it has no impact on the cost of business.

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The Common Agricultural Policy (Wine) (England and Northern
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