
WELSH STATUTORY INSTRUMENTS

2003 No. 1776 (W.192)

AGRICULTURE, WALES

**The Common Agricultural Policy (Wine)
(Wales) (Amendment) Regulations 2003**

Made - - - - *15th July 2003*
Coming into force - - *31st July 2003*

The National Assembly for Wales being designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by that section, hereby makes the following Regulations—

Title, extent and commencement

1. These Regulations may be cited as the Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2003; they apply to Wales and come into force on 31st July 2003.

Interpretation

2. In these Regulations, “the principal Regulations” means the Common Agricultural Policy (Wine) (Wales) Regulations 2001⁽³⁾.

Amendment of the principal Regulations

3. The principal Regulations shall be amended —

(a) in regulation 2(1) —

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

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

““wine sector product” (“*cynnyrch sector gwin*”) for the purposes of these Regulations, includes any aromatized wine”;

(1) S.I. 1999/2788.

(2) 1972 c. 68.

(3) S.I. 2001/2193 (W.155).

- (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) and Schedule 3 by substituting for the word “Wales” 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 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 1st 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.”.

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

“**8.**—(1) Where an authorised officer inspects any wine sector product the authorised officer may prohibit its being moved if he or she has reason to believe

- (a) an offence has been committed 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 I 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”, “4g/l”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4).

15th July 2003

D.Elis-Thomas
The Presiding Officer of the National Assembly

Status: This is the original version (as it was originally made).

SCHEDULE 1

Regulation 3(g)

“SCHEDULE 1

Regulation 2(1)

COMMUNITY PROVISIONS

Measures containing Community provision	<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 28th 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 12th 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. L1631/98 (OJ No. L210, 28.7.98, p.14) (5)	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	OJ No. L62, 5.3.87, p.10

(5) 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).

Measures containing Community provision	<i>Official Journal of the European Communities: Reference</i>
by Commission Regulation (EEC) No. 1097/89 (OJ No. L116, 28.4.89, p.20)	
<p>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)</p>	OJ No.L272, 3.10.90, p.1
<p>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. 2770/98 (OJ No. L346, 22.12.98, p.25)</p>	OJ No. L 309, 8.11.90, p.1
<p>11. Commission Regulation (EEC) No.1061/91 laying down general rules on the definition, description and presentation of wines, aromatised wine-based drinks and aromatised 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)</p>	OJ No. L149, 14.6.91, p.1
<p>12. Commission Regulation (EEC) No. 3901/91 laying down certain detailed rules on the description and presentation of special wines</p>	OJ No. L368, 31.12.91, p.15
<p>13. Commission Regulation (EEC) No.2009/92 determining Community analysis methods for ethyl alcohol of agricultural origin used in the preparation of spirit drinks, aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails</p>	OJ No. L203, 21.7.92, p.10
<p>14. Council Decision No. 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</p>	OJ No. L337, 31.12.93, p.11
<p>15. Council Decision No. 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</p>	OJ No. L337, 31.12.93, p.83

Measures containing Community provision	<i>Official Journal of the European Communities: Reference</i>
<p>16. Council Decision No. 93/726/EC concerning the conclusion of an Agreement between the European Community and Romania on the reciprocal protection and control of wine names</p>	<p>OJ No. L337, 31.12.93, p.177</p>
<p>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, aromatised wine-based drinks, and aromatized wine-product cocktails</p>	<p>OJ No. L21, 26.1.94, p.7</p>
<p>18. Council Decision No. 94/184/EC concerning the conclusion of an Agreement between the European Community and Australia on trade in wine</p>	<p>OJ No. L86, 31.3.94, p.1</p>
<p>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)</p>	<p>OJ No. L56, 14.3.95, p.3</p>
<p>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)</p>	<p>OJ No. L179, 14.7.1999, p.1</p>
<p>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)</p>	<p>OJ No. L143, 16.6.2000, p.1</p>
<p>22. Commission Regulation (EC) No. 1607/2000 laying down detailed rules for implementing Council 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</p>	<p>OJ No. L185, 25.7.2000, p.17</p>
<p>23. Commission Regulation (EC) No. 1622/2000 laying down certain</p>	<p>OJ No. L194, 31.7.2000, p.1</p>

Measures containing Community provision	<i>Official Journal of the European Communities: Reference</i>
detailed rules for implementing Council 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)	
<p>24. Commission Regulation (EC) No.1623/2000 laying down detailed rules for implementing Council 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, 10.10.2002, p.15)</p>	OJ No. L194, 31.7.2000, p.45
<p>25. Commission Regulation (EC) No. 2729/2000 laying down detailed implementing rules on controls in the wine sector</p>	OJ No. L 316, 15.12.2000 , p.16
<p>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</p>	OJ No. L94, 4.4.2001, p.1
<p>27. Commission Regulation (EC) No. 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) 2380/2002 (OJ No. L358, 31.12.2002, p.10)</p>	OJ No. L128, 10.5.2001, p.1
<p>28. Commission Regulation (EC) No. 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. L270, 08.10.2002, p.4)</p>	OJ No. L128, 10.5.2001, p.32
<p>29. Council Regulation (EC) No. 1037/2001 authorising the offer and delivery for direct human consumption</p>	OJ No. L145, 31.5.2001, p.12

Status: This is the original version (as it was originally made).

Measures containing Community provision	<i>Official Journal of the European Communities: Reference</i>
of certain imported wines which have undergone processes not provided for in Regulation (EC) 1493/1999	
<p>30. Commission Regulation (EC) No. 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</p>	OJ No. L176, 29.6.2001, p.14
<p>31. 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</p>	OJ No. L345, 29.12.2001, p.35
<p>32. Council Decision No. 2002/51/EC on the conclusion of an Agreement between the European Community and the Republic of South Africa on trade in wine</p>	OJ No. L28, 30.1.2002, p.3
<p>33. Council and Commission Decision No. 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</p>	OJ No. L114, 30.4.2002, p.1”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which come into force on 31st July 2003, amend the Common Agricultural Policy (Wine) (Wales) Regulations 2001 (S.I.2001/2193 (W.155)) which provide for the enforcement of European Community Regulations concerned with the production and marketing of wine and related products.

The Regulations —

- (a) make changes to provide a clearer definition of the specified region in Wales (regulations 3(a)(i), 3(b), (c), (f) and (l));

- (b) expand the definition of “wine sector product” to include aromatized wine (regulation 3(a)(ii));
- (c) amend the definition of “the Wine Standards Board” to reflect its new name (regulation 3(a)(iii));
- (d) imposes time limits for the notification of declarations and enrichment (regulation 3(d));
- (e) clarify the circumstances when the movement of any wine sector product may be prohibited (regulation 3(e));
- (f) update references to European Community legislation (regulations 3(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 (regulation 3(k), (m) and (n)).

No Regulatory Appraisal has been prepared in respect of these Regulations.