

## 2003 No. 164

### AGRICULTURE

#### The Common Agricultural Policy (Wine) (Scotland) Amendment Regulations 2003

*Made* 10th March 2003

*Laid before the Scottish Parliament* 10th March 2003

*Coming into force* 1st April 2003

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them in that behalf, hereby make the following Regulations:

#### **Citation and commencement**

1. These Regulations may be cited as the Common Agricultural Policy (Wine) (Scotland) Amendment Regulations 2003 and shall come into force on 1st April 2003.

#### **Amendment of the principal Regulations**

2. The Common Agricultural Policy (Wine) (Scotland) Regulations 2002(b) shall be amended in accordance with regulations 3 to 8.

3. In regulation 2(1) (interpretation)–

- (a) after the definition of “third country” there shall be inserted–  
““wine-sector product” for the purposes of these Regulations, includes aromatized wine;”; and
- (b) in the definition of “the Wine Standards Board”, for “of The Vintners’ Company” there shall be substituted “, a company limited by guarantee registered in England under company registration number 1127386”.

4. After regulation 6 there shall be inserted–

#### **“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(c) (detailed rules on the gathering of information to identify and monitor the wine market) shall take into account the quantities held at 1st December in that year.

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(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.S.I. 2002/325.

(c) O.J. No. L 176, 29.6.01, p.14.

## Enrichment

**6B.** A notification of enrichment as referred to in Annex V(G)(5) to Council Regulation 1493/1999(a) shall be submitted to the Wine Standards Board not less than 48 hours prior to the commencement of the enrichment operation.”.

5. For regulation 8(1) (prohibition of movement) there shall be substituted–

“(1) Where an authorised officer inspects any wine-sector product, the officer 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, IV or VIII of Schedule 9;
- (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.”.

6. In regulation 11(2) (review of prohibitions etc. on movement of wine-sector products by certain enforcement authorities), the word “each” shall be omitted.

7. For Schedule 6 (community provisions) there shall be substituted the Schedule set out in the Schedule to these Regulations.

8. In Schedule 9 (relevant community provisions)–

- (a) in item 1 of Part I, for the entry in column 2 there shall be substituted–

“Commission Regulation 884/2001(b): All articles except 1, 2, 9, 17, 18, 20, 21, 22 and 23”;

- (b) in item 1 of Part III, for the entry in column 2 shall be substituted “Commission Regulation 1282/2001: Articles 2, 3, 4, 6 and 11”; and

- (c) for item 1 of Part IV, shall be substituted the following entry:–

“1. Council Regulation 1493/1999: Title V	Commission Regulation 883/2001(c): 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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*ROSS FINNIE*

A member of the Scottish Executive

St Andrew’s House,  
Edinburgh  
10th March 2003

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(a) O.J. No. L 179, 14.7.99, p.1.

(b) O.J. No. L 128, 10.5.01 p.32.

(c) O.J. No. L 128,10.5.01, p.1.

## SCHEDULE

“Regulation 2(1)

## SCHEDULE 6

## 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	O.J. No. L 134, 19.6.70, p.2 (O.J./S.E. Series-I 1970(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 (O.J. No. L 29, 30.10.98, p.2)	O.J. No. L 54, 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	O.J. No. L 291, 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	O.J. No. L 179, 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	O.J. No. L 302, 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	O.J. No. L 367, 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 (O.J. No. L 210, 28.7.98, p.14)(a)	O.J. No. L 208, 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 (O.J. No. L 116, 28.4.89, p.20)	O.J. No. L 62, 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 (O.J. No. L 194, 31.7.00, p.1)	O.J. No. L 272, 3.10.90, p.1

(a) See also the Agreement on the European Economic Area, Protocols 1 (O.J. No. L1, 3.1.94, p.37) and 47 (O.J. No. L1, 3.1.94, p.210).

<i>Measures containing Community provisions</i>	<i>Official Journal of the European Communities: Reference</i>
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 (O.J. No. L 128, 10.5.2001, p.54)	O.J. No. L 309, 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 (O.J. No. L 277, 30.10.96, p.1)	O.J. No. L 149, 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	O.J. No. L 368, 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	O.J. No. L 203, 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	O.J. No. L 337, 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	O.J. No. L 337, 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	O.J. L 337, 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	O.J. No. L 21, 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	O.J. No. L 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 (O.J. No. L 252, 4.10.96, p.10)	O.J. No. L 56, 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 (O.J. No. L 345, 29.12.01, p.10)	O.J. No. L 179, 14.7.99, p.1

<i>Measures containing Community provisions</i>	<i>Official Journal of the European Communities: Reference</i>
21. 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. 1342/2002 (O.J. No. L 196, 25.7.02, p.23)	O.J. No. L 143, 16.6.00, p.1
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	O.J. No. L 185, 25.7.00, p.17
23. Commission Regulation (EC) No. 1622/2000 laying down certain 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 (O.J. No. L341, 16.12.02, p.27)	O.J. No. L 194, 31.7.00, 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(O.J. No. L272, 10.1.02, p.15)	O.J. No. L 194, 31.7.00, p.45
25. Commission Regulation (EC) No. 2729/2000 laying down detailed implementing rules on controls in the wine sector	O.J. No. L 316, 15.12.00, 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	O.J. No. L 94, 4.4.01, 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) 1754/2002 (O.J. No.L235, 3.9.02, p.10)	O.J. No. L 128, 10.5.01, 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 (O.J. No. 270, 8.10.02, p.4)	O.J. No. L 128, 10.5.01, 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	O.J. No. L145, 31.5.01, p.12

<i>Measures containing Community provisions</i>	<i>Official Journal of the European Communities: Reference</i>
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	O.J. No. L 176, 29.6.01, 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	O.J. No. L 345, 29.12.01, 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	O.J. No. L 28, 30.1.02, p.3
33. Council and Commission Decision 2002/309/EC as regards the agreement on scientific and technological co-operation 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	O.J. No. L 114, 30.4.02, p.1(a)

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(a) In relation to Council Regulation (EEC) No. 2392/86, see also the Agreement on the European Economic Area, Protocols 1 (O.J. No. L 1, 3.1.94, p.37) and 47 (O.J. L 1, 3.1.94, p.210)

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, which apply to Scotland only, amend the Common Agricultural Policy (Wine) (Scotland) Regulations 2002 (S.S.I. 2002/325) which provide for the enforcement of EC Regulations concerned with the production and marketing of wine and related products.

The Regulations–

- (a) expand the definition of “wine-sector product” to include aromatized wine and amend the definition of “the Wine Standards Board” to reflect its new name (regulation 3);
- (b) add regulations 6A and 6B which impose time limits for the notification of declarations and enrichment (regulation 4);
- (c) amend regulation 8 to clarify the circumstances when the movement of any wine sector product may be prohibited (regulation 5);
- (d) correct an erroneous reference in regulation 11(2) (regulation 6); and
- (e) replace Schedule 6 and make various changes to Schedule 9 to take account of recent changes in EC legislation (regulations 7 and 8).

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

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

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