
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 311

AGRICULTURE

**The Common Agricultural Policy (Wine)
(Scotland) Amendment Regulations 2006**

<i>Made</i>	- - - -	<i>7th June 2006</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>8th June 2006</i>
<i>Coming into force</i>	- -	<i>1st July 2006</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972⁽¹⁾ and all other powers enabling them in that behalf, after consultation as required by Article 9 of Regulation (EC) No. 1 78/2002 of the European Parliament and of the Council 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⁽²⁾, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Common Agricultural Policy (Wine) (Scotland) Amendment Regulations 2006 and shall come into force on 1st July 2006.

(2) In these Regulations “the principal Regulations” means the Common Agricultural Policy (Wine) (Scotland) Regulations 2002⁽³⁾.

Amendment of the Common Agricultural Policy (Wine) (Scotland) Regulations 2002

2. The principal Regulations are amended in accordance with regulations 3 to 17.

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- (1) 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 European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998. Insofar as not so transferred, and insofar as relating to food (including drink) including the primary production of food, that function was transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I.2005/849).
- (2) O.J. No. L 31, 1.2.02, p.1 as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L 245, 29.9.03, p.4) and Regulation (EC) No. 575/2006 of the European Parliament and of the Council (O.J. No. L 100, 8.4.06, p.3).
- (3) S.S.I. 2002/325, amended by S.S.I. 2003/164 and S.S.I. 2004/272.

Amendment of regulation 2 (interpretation)**3.—(1)** In regulation 2 (interpretation) in paragraph (1)–

(a) before the definition of “analysis” insert–

““the Agency” means the Food Standards Agency, a body created under the Food Standards Act 1999(4);”;

(b) for the definition of “the Commissioners” substitute–

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

(c) in the definition of “enforcement authority” for “(b) the Wine Standards Board” substitute “(b) the Agency”; and

(d) omit the following definitions:–

(i) “Commission Regulation 3590/85”;

(ii) “Commission Regulation 2238/93”;

(iii) “Commission Regulation 1294/96”;

(iv) “Commission Regulation 881/98”; and

(v) “the Wine Standards Board”.

(e) for the definition of “Commission Regulation 1227/2000” substitute–

““Commission Regulation 1227/2000” has the same meaning as it has in Schedule 13;”;

(f) for the definition of “Commission Regulation 1607/2000” substitute–

““Commission Regulation 1607/2000” means 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(5);”;

(g) after the definition of “Commission Regulation 1623/2000” insert the following definitions–

““Commission Regulation 883/2001” has the same meaning as it has in Schedule 11;”;

““Commission Regulation 884/2001” means 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(6) as amended by Commission Regulation (EC) No. 908/2004(7) and Commission Regulation (EC) No. 1782/2002(8);”;

““Commission Regulation 1282/2001” means 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 Commission Regulation (EC) No. 1623/2000(9);”;

““Commission Regulation 753/2002” has the same meaning as it has in Schedule 12;”;

(h) for the definition of “Council Regulation 1601/91” substitute–

(4) 1999 c. 28.

(5) O.J. No. L 185, 25.7.00, p.17.

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

(7) O.J. No. L 163, 30.4.04, p.56.

(8) O.J. No. L 270, 8.10.02, p.4.

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

““Council Regulation 1601/91” means Council Regulation (EEC) No. 1601/91 laying down general rules on the description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails(10), as amended by Council Regulation (EEC) No. 3279/1992(11), Regulation (EC) No. 3378/1994 of the European Parliament and the Council(12), Commission Regulation (EC) No. 122/1994(13), Regulation No. 2061/1996 of the European Parliament and Council(14)and Regulation No. 1882/2003 of the European Parliament and Council(15);”.

(2) In regulation 2 (inte rpretation) after paragraph (4) insert–

“(5) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date these Regulations are made.”.

Amendment of regulation 3 (official functions and enforcement)

4. In regulation 3 (official functions and enforcement) for “Wine Standards Board” wherever it occurs substitute “Agency”.

Amendment of regulation 4 (definition of medium dry)

5. In regulation 4 (definition of medium dry) for “Article 14(7)(b) of Commission Regulation 3201/90” substitute “Article 16(1)(b) of Commission Regulation 753/2002”.

Amendment of regulation 6B (enrichment)

6. In regulation 6B (enrichment) for “Wine Standards Board” substitute “Agency”.

Amendment of regulation 8 (control on movement)

7. In regulation 8 (control on movement), in paragraphs (3) and (4) for “Wine Standards Board” substitute “Agency”.

Amendment of regulation 10 (review of prohibitions etc. on movement of wine-sector products by Wine Standards Board)

8. For regulation 10 (review of prohibitions etc. on movement of wine-sector products by Wine Standards Board) substitute–

“Review of prohibitions etc. on movement of wine-sector products

10.—(1) This regulation applies where an authorised officer of the Agency–

- (a) has given a notice under regulation 8(2) (“regulation 8 notice”); or
- (b) has refused to give consent to the movement of a controlled wine-sector product under regulation 9 (“regulation 9 refusal”).

(2) A person to whom a regulation 8 notice has been given, or who has been refused consent under regulation 9, may request either in writing or in electronic form that the giving of the notice or the refusal be reviewed.

(10) O.J. No. L 149, 14.6.91, p.1.

(11) O.J. No. L 327, 13.11.92, p.1.

(12) O.J. No. L 366, 31.12.94, p.1.

(13) O.J. No. L 021, 26.1.94, p.1.

(14) O.J. No. L 277, 30.10.96, p.1.

(15) O.J. No. L 284, 31.10.03, p.1.

(3) A request made by a person under paragraph (2) must be made to the Agency within 6 months of that person receiving the regulation 8 notice or regulation 9 refusal.

(4) Where a regulation 8 notice or regulation 9 refusal is sent by post, service is deemed to be effected by properly addressing, pre-paying and posting a letter containing the document and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

(5) Where a request is made under paragraph (2) within the period specified in paragraph (3)–

- (a) the Agency must nominate a person from the list established under paragraph (6) to determine whether the regulation 8 notice or regulation 9 refusal, as the case may be, should stand;
- (b) the person nominated must give the person who made the request and the Agency an opportunity to make representations on the matter;
- (c) the person nominated must, within 1 month of being nominated, consider such representations and review the regulation 8 notice or regulation 9 refusal and must communicate the decision on the review giving reasons for the decision to the person who made the request; and
- (d) the person nominated shall, if satisfied that the decision of the authorised officer to give the regulation 8 notice or the regulation 9 refusal was not justified, refer the matter to the Agency which shall cause the regulation 8 notice to be withdrawn or, as the case may be, give consent to the movement of the controlled wine-sector product concerned.

(6) The Agency must establish and maintain a list of people who may be nominated for the purposes of conducting a review under this regulation and must consult those organisations appearing to it to represent the wine industry before including any person on the list.”.

Amendment of regulation 11 (review of prohibitions etc. on movement of wine-sector products by enforcement authorities other than the Wine Standards Board)

9. In regulation 11 (review of prohibitions etc. on movement of wine-sector products by enforcement authorities other than the Wine Standards Board), in paragraph (1) for “Wine Standards Board” substitute “Agency”.

Amendment of Schedule 2 (definition of Commission Regulation 2676 /90)

10. In Schedule 2 (definition of Commission Regulation 2676/90) after the last entry in the table insert–

“Commission Regulation (EC) No. 440/2003	O.J. No. L 66, 11.3.03, p.15
Commission Regulation (EC) No. 128/2004	O.J. No. L 019, 27.1.04, p.3
Commission Regulation (EC) No. 335/2005	O.J. No. L 056, 2.3.05, p.3.
Commission Regulation (EC) No. 1293/2005	O.J. No. L 205, 6.8.05, p.12”.

Amendment of Schedule 4 (definition of Commission Regulation 1622 /2000)

11. In Schedule 4 (definition of Commission Regulation 1622/2000) after the last entry in the table insert–

“Commission Regulation (EC) No. 2244/2002	O.J. No. L 341, 17.12.02, p.27
Commission Regulation (EC) No. 1410/2003	O.J. No. L 201, 8.8.03, p.9
Commission Regulation (EC) No. 1427/2004	O.J. No. L 263, 10.8.04, p.3
Commission Regulation (EC) No. 1428/2004	O.J. No. L 263, 10.8.04, p.7
Commission Regulation (EC) No. 1163/2005	O.J. No. L 188, 20.7.05, p.3”.

Amendment of Schedule 5 (definition of Commission Regulation 1623 /2000)

12. In Schedule 5 (definition of Commission Regulation 1623/2000) after the last entry in the table insert–

“Commission Regulation (EC) No. 2429/2001	O.J. No. L 328, 13.12.01, p.28
Commission Regulation (EC) No. 2464/2001	O.J. No. L 331, 15.12.01, p.25
Commission Regulation (EC) No. 1315/2002	O.J. No. L 192, 20.7.02, p.24
Commission Regulation (EC) No. 1795/2002	O.J. No. L 272, 10.10.02, p.15
Commission Regulation (EC) No. 0625/2003	O.J. No. L 090, 8.4.03, p.4
Commission Regulation (EC) No. 1183/2003	O.J. No. L 165, 3.7.03, p.20
Commission Regulation (EC) No. 1411/2003	O.J. No. L 201, 8.8.03, p.12
Commission Regulation (EC) No. 1710/2003	O.J. No. L 243, 27.9.03, p.98
Commission Regulation (EC) No. 0908/2004	O.J. No. L 163, 30.4.04, p.56
Commission Regulation (EC) No. 1774/2004	O.J. No. L 316, 15.10.04, p.61
Commission Regulation (EC) No. 0616/2005	O.J. No. L 103, 22.4.05, p.15
Commission Regulation (EC) No. 1219/2005	O.J. No. L 199, 29.07.05, p.45
Commission Regulation (EC) No. 1820/2005	O.J. No. L 293, 9.11.05, p.8”.

Amendment of Schedule 6 (Community Provisions)

13. For Schedule 6 (Community Provisions) substitute–

“SCHEDULE 6

Regulation 2(1)

COMMUNITY PROVISIONS

<i>Measures containing Community Provisions</i>	<i>Official Journal of the European Communities: Reference</i>
1. Council Regulation 357/79	O.J. 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	O.J. No. L 179, 11.7.85, p.21
3. Council Regulation (EEC) No. 3805/85 adapting, on account of the accession of Spain	O.J. No. L 367, 31.12.85, p.39

<i>Measures containing Community Provisions</i>	<i>Official Journal of the European Communities: Reference</i>
and Portugal, certain Regulations relating to the wine sector	
4. Council Regulation 2392/86	O.J. No. L 208, 31.7.86, p.1
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 (O.J. No. L 116, 28.4.89, p.20)	O.J. No. L 62, 5.3.87, p.10
6. Commission Regulation 2676/90	O.J. No. L 272, 3.10.90, p.1
7. Council Regulation 1601/91	O.J. 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	O.J. 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	O.J. No. L 337, 31.12.93, p.11
10. 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. No. L 337, 31.12.93, p.177
11. 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
12. 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
13. Council Regulation 1493/1999	O.J. No. L 179, 14.7.99, p.1
14. Commission Regulation 1227/2000	O.J. No. L 143, 16.6.00, p.1
15. 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	O.J. No. L 185, 25.7.00, p.17

<i>Measures containing Community Provisions</i>	<i>Official Journal of the European Communities: Reference</i>
wine, in particular the Title relating to quality wine produced in specified regions	
16. Commission Regulation 1622/2000	O.J. No. L 194, 31.7.00, p.1
17. Commission Regulation 1623/2000	O.J. No. L 194, 31.7.00, p.45
18. 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 (O.J. No. L 367, 14.12.2004, p.11)	O.J. No. L 316, 15.12.00, p.16
19. 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	O.J. No. L 94, 4.4.01, p.1
20. Commission Regulation 883/2001	O.J. No. L 128, 10.5.01, p.1
21. Commission Regulation 884/2001	O.J. No. L 128, 10.5.01, p.32
22. 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 (O.J. No. L 345, 31.12.2003, p.24) and Commission Regulation (EC) No. 2079/2005 (O.J. No. L 333, 20.12.05, p.6)	O.J. No. L 145, 31.5.01, p.12
23. 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	O.J. No. L 176, 29.6.01, p.14
24. 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 (O.J. No. L 361, 8.12.2004, p.3)	O.J. No. L 345, 29.12.01, p.35

<i>Measures containing Community Provisions</i>	<i>Official Journal of the European Communities: Reference</i>
25. 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
26. 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	O.J. No. L 114, 30.4.02, p.1
27. Commission Regulation 753/2002	O.J. No. L 118, 4.5.02, p.1
28. 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 trade in wine, aromatized wine, aromatized wine-based drinks and aromatized wine-product cocktails	O.J. No. L 352, 30.12.02, p.1
29. 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 (O.J. No. L 358, 3.12.2004, p.1) and Council Regulation (EC) No. 1912/2005 (O.J. No. L 307, 25.11.05), p.1)	O.J. No. L 78, 25.3.03, p.1
30. Commission Decision 2003/898/EC concerning the conclusion of an agreement amending the Agreement between the European Community and Australia on trade in wine	O.J. No. L 336, 23.12.03, p.99
31. Commission Regulation (EC) No. 2303/2003 on specific labelling rules for wines imported from the United States of America, as amended by Commission Regulation (EC) No. 2079/2005 (O.J. No. L 333, 20.12.05, p.6)	O.J. No. L 342, 30.12.03, p.5
32. Commission Decision 2004/91/EC on the conclusion of the agreement between the	O.J. No. L 35, 6.2.04, p.1

Measures containing Community Provisions *Official Journal of the European Communities: Reference*

European Community and Canada on trade in wines and spirit drinks

33. Commission Regulation (EC) No. 709/2004 laying down transitional measures in the wine sector as a result of Malta joining the European Union O.J. No. L 111, 17.4.04, p.21”.

Amendment of Schedule 7 (definition of Council Regulation 357 /79)

14. In Schedule 7 (definition of Council Regulation 357/79) after the last entry in the table insert–

“Council Regulation (EEC) No. 3570/1990	O.J. No. L 353, 17.12.90, p.8
Council Regulation (EC) No. 3205/1993	O.J. No. L. 289, 24.11.93, p.4
Council Regulation (EC) No. 2329/1998	O.J. No. L 291, 30.10.98, p.2
Regulation (EC) No. 1882/2003 of the European Parliament and Council	O.J. No. L 284, 31.10.03, p.1”.

Amendment of Schedule 8 (definition of Council Regulation 1493 /1999)

15. In Schedule 8 (definition of Council Regulation 1493/1999) after the last entry in the table insert–

“Council Regulation (EC) No. 0806/2003	O.J. No. L 122, 16.5.03, p.1
Commission Regulation (EC) No. 1795/2003	O.J. No. L 262, 14.10.03, p.13
Council Regulation (EC) No. 2165/2005	O.J. No. L 345, 28.12.05, p.1”.

Amendment of Schedule 10 (vine varieties classified for the production of wine in Scotland)

16. In Schedule 10 (vine varieties classified for the production of wine in Scotland), in the table after “Findling” insert the following entries–

“Gamay	Black
Gewurztraminer	White”.

Insertion of Schedule 11 (definition of Commission Regulation 883/2001), Schedule 12 (definition of Commission Regulation 753 /2002) and Schedule 13 (definition of Commission Regulation 1227 /2000)

17. After Schedule 10 (vine varieties classified for the production of wine in Scotland) insert–

“SCHEDULE 11

Regulation 2(1)

DEFINITION OF COMMISSION REGULATION 883/2001

“Commission Regulation 883/2001” means Commission Regulation (EC) No. 883/2001 laying down detailed rules for implementing Council Regulation (EC) No. 1493/1999 as regards trade with third countries in products in the wine sector⁽¹⁶⁾ as amended by the following Regulations:–

<i>Regulation</i>	<i>Reference</i>
Commission Regulation (EC) No. 0885/2001	O.J. No. L 125, 10.5.01, p.54
Commission Regulation (EC) No. 0812/2002	O.J. No. L 132, 17.5.02, p.14
Commission Regulation (EC) No. 1574/2002	O.J. No. L 235, 3.9.02, p.10
Commission Regulation (EC) No. 2380/2002	O.J. No. L 358, 31.12.02, p.117
Commission Regulation (EC) No. 0715/2003	O.J. No. L 104, 25.4.03, p.13
Commission Regulation (EC) No. 1175/2003	O.J. No. L 164, 2.7.03, p.8
Commission Regulation (EC) No. 1220/2003	O.J. No. L 170, 9.7.03, p.3
Commission Regulation (EC) No. 2338/2003	O.J. No. L 346, 31.12.03, p.28
Commission Regulation (EC) No. 0908/2004	O.J. No. L 163, 30.4.04, p.56
Commission Regulation (EC) No. 1747/2005	O.J. No. L 280, 25.10.05, p.9
Commission Regulation (EC) No. 2079/2005	O.J. No. L 333, 20.12.05, p.6

SCHEDULE 12

Regulation 2(1)

DEFINITION OF COMMISSION REGULATION 753/2002

“Commission Regulation 753/2002” means Commission Regulation (EC) No. 753/2002 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⁽¹⁷⁾ as amended by the following Regulations:–

<i>Regulation</i>	<i>Reference</i>
Commission Regulation (EC) No. 2086/2002	O.J. No. L 321, 26.11.02, p.8
Commission Regulation (EC) No. 1205/2003	O.J. No. L 168, 5.7.03, p.13
Commission Regulation (EC) No. 0316/2004	O.J. No. L 055, 24.2.04, p.16
Commission Regulation (EC) No. 0908/2004	O.J. No. L 163, 30.4.04, p.56
Commission Regulation (EC) No. 1429/2004	O.J. No. L 263, 10.5.04, p.11
Commission Regulation (EC) No. 1991/2004	O.J. No. L 344, 20.11.04, p.9
Commission Regulation (EC) No. 1512/2005	O.J. No. L 241, 17.9.05, p.15

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

(17) O.J. No. L 118, 4.5.02, p.1.

SCHEDULE 13

Regulation 2(1)

DEFINITION OF COMMISSION REGULATION 1227/2000

“Commission Regulation 1227/2000” means 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(18) as amended by the following Regulations:–

<i>Regulation</i>	<i>Reference</i>
Commission Regulation (EC) No. 0784/2001	O.J. No. L 113, 24.4.01, p.4
Commission Regulation (EC) No. 1253/2001	O.J. No. L 173, 27.6.01, p.31
Commission Regulation (EC) No. 1342/2002	O.J. No. L 196, 25.7.02, p.23
Commission Regulation (EC) No. 0315/2003	O.J. No. L 046, 20.2.03, p.9
Commission Regulation (EC) No. 1203/2003	O.J. No. L 168, 5.7.03, p.9
Commission Regulation (EC) No. 1841/2003	O.J. No. L 268, 18.10.03, p.58
Commission Regulation (EC) No. 1389/2004	O.J. No. L 255, 31.7.04, p.7
Commission Regulation (EC) No. 1074/2005	O.J. No. L 175, 8.7.05, p.12
Commission Regulation (EC) No. 1216/2005	O.J. No. L 199, 29.7.05, p.32”.

Transitional provisions

18.—(1) Anything done by or in relation to the Wine Standards Board in the exercise of its functions under the principal Regulations before the coming into force of these Regulations shall have effect as if done by or in relation to the Food Standards Agency(19).

(2) Anything which at the time of the coming into force of these Regulations is in the process of being done by or in relation to the Wine Standards Board in the exercise of its functions under the principal Regulations may be continued by or in relation to the Food Standards Agency.

(3) Any reference to the Wine Standards Board in any document, including any electronic communication, as defined in section 15 of the Electronic Communications Act 2000(20) which has been recorded and is consequently capable of being reproduced, relating to anything to which paragraph (1) or (2) applies shall, so far as necessary for giving effect to those provisions, be construed as a reference to the Food Standards Agency.

St Andrew’s House,
Edinburgh
7th June 2006

ROSS FINNIE
A member of the Scottish Executive

(18) O.J. No. L 143, 16.6.00, p.1.

(19) The Food Standards Agency is a body created under the Food Standards Act 1999 (c. 28).

(20) 2000 c. 7.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Common Agricultural Policy (Wine) (Scotland) Regulations 2002 [S.S.I. 2002/325](#) as amended by [S.S.I. 2003/164](#) and [S.S.I. 2004/272](#) (“the principal Regulations”), which provide for the enforcement of European Community Regulations and Decisions concerned with the production and marketing of wine and related products.

These Regulations amend the principal Regulations as follows—

- (a) in regulation 2 (interpretation)—
 - (i) by replacing the definition of “the Commissioners” following the vesting of functions previously exercisable by the Commissioners of Customs and Excise in the Commissioners for Revenue and Customs (regulation 3(1)(b));
 - (ii) by deleting the definition of the Wine Standards Board and inserting a definition of the Food Standards Agency (regulation 3(1)(a) and 3(1)(d)(v)) and by updating the definition of “enforcement authority” to include the Food Standards Agency in place of the Wine Standards Board (regulation 3(1)(c)), thereby making the Food Standards Agency responsible for the enforcement functions under the principal Regulations that were previously the responsibility of the Wine Standards Board;
 - (iii) by deleting certain definitions which are now obsolete due to the repeal of the European Community provision in question (regulation 3(1)(d)(i) to (iv));
 - (iv) by updating certain definitions of European Community legislation (regulation 3(1)(e) to (h) and 3(2));
- (b) in regulation 3 (official functions and enforcement), regulation 6B (enrichment), regulation 8 (control on movement) and regulation 11 (review of prohibitions etc. on movement of wine-sector products by enforcement authorities other than the Wine Standards Board) by replacing references to the Wine Standards Board with references to the Food Standards Agency (regulations 4, 6, 7 and 9);
- (c) in regulation 4 by updating the reference to the relevant Commission Regulation (regulation 5);
- (d) regulation 10 (review of prohibitions etc. on movement of wine-sector products by Wine Standards Board) is replaced putting in place a different procedure for the review of prohibitions etc. on the movement of wine-sector products (regulation 8);
- (e) in Schedule 2 (definition of Commission Regulation 2676/90), Schedule 4 (definition of Commission Regulation 1622/2000) and Schedule 5 (definition of Commission Regulation 1623/2000), by updating the definitions of those Commission Regulations (regulations 10, 11 and 12);
- (f) Schedule 6 (Community Provisions) is replaced by a new Schedule 6 updating references to European Community legislation (regulation 13);
- (g) in Schedule 7 (definition of Council Regulation 357/79) and Schedule 8 (definition of Council Regulation 1493/1999) by updating the definitions of those Council Regulations (regulations 14 and 15);

- (h) in Schedule 10 (vine varieties classified for the production of wine in Scotland) by adding Gamay and Gewurztraminer to the list of vine varieties that may be used in the production of wines in Scotland (regulation 16);
- (i) by inserting after Schedule 10 (vine varieties classified for the production of wine in Scotland) a new Schedule 11 (definition of Commission Regulation 883/2001) and a new Schedule 12 (definition of Commission Regulation 753/2002) to provide the definitions of those Commission Regulations and a new Schedule 13 (definition of Commission Regulation 1227/2000) to provide an updated definition of that Commission Regulation (regulation 17).

These Regulations also contain transitional provisions (regulation 18).

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