

1990 No. 1363

AGRICULTURE

The Common Agricultural Policy (Wine) Regulations  
1990

<i>Made</i> - - - -	<i>3rd July 1990</i>
<i>Laid before Parliament</i>	<i>16th July 1990</i>
<i>Coming into force</i> -	<i>6th August 1990</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Economic Community, acting jointly in exercise of the powers conferred on them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:-

**Title and commencement**

1. These Regulations may be cited as the Common Agricultural Policy (Wine) Regulations 1990 and shall come into force on 6th August 1990.

**Interpretation and revocation**

2.—(1) In these Regulations, unless the context otherwise requires—

“authorised officer” means an officer authorised for the purposes of these Regulations by an enforcement authority;

“the Commissioners” means the Commissioners of Customs and Excise;

“Community provision” means any provision of any Regulation of the European Communities which is referred to in Schedule 1 to these Regulations, or of the Treaties relating to the accession to the European Communities, respectively, of the Hellenic Republic signed at Athens on 28th May 1979(c) and of the Kingdom of Spain and the Portuguese Republic signed, respectively, at Madrid and Lisbon on 12th June 1985(d);

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(a) S.I. 1972/1811.

(b) 1972 c.68; section 2 is subject to Schedule 2 to that Act and is to be read, as regards England and Wales, in relation to offences triable only summarily, with sections 37, 40 and 46 of the Criminal Justice Act 1982 (c.48) and with section 52(4) of the Criminal Justice Act 1988 (c.33), in relation to offences triable on indictment or summarily, with section 32 of the Magistrates' Courts Act 1980 (c.43) and with section 51(5) of the Criminal Justice Act 1988, and, in each case, with S.I. 1984/447; as regards Scotland, in relation to offences triable only summarily, with section 289G A(2) of the Criminal Procedure (Scotland) Act 1975 (c.21), as inserted by section 66 of the Criminal Justice (Scotland) Act 1987 (c.41), in relation to offences triable on indictment or summarily, with section 289B of the Criminal Procedure (Scotland) Act 1975, as inserted by paragraph 5 of Schedule 11 to the Criminal Law Act 1977 (c.45) as read with section 289GA of the Criminal Procedure (Scotland) Act 1975, as inserted by section 66 of the Criminal Justice (Scotland) Act 1987, and, in each case, with S.I. 1984/526; and, as regards Northern Ireland, with S.I. 1984/703 (N.I. 3) and S.R. (N.I.) 1984 No. 253.

(c) OJ No L291, 19.11.79, p. 17.

(d) OJ No L302, 15.11.85, p. 23.

“controlled wine-sector product” means any wine-sector product whose movement has been prohibited pursuant to regulation 8 of these Regulations;

“enforcement authority” means—

- (a) in relation to any part of the United Kingdom, the Commissioners or the Wine Standards Board;
- (b) in relation to England, the Minister of Agriculture, Fisheries and Food;
- (c) in relation to Scotland or Wales, the Secretary of State;
- (d) in relation to Northern Ireland, the Department of Health and Social Services for Northern Ireland;
- (e) in relation to the area of a local authority, the local authority.

“establishment” has the same meaning as in Article 1(3) of Council Regulation (EEC) No 2392/89 laying down general rules for the description and presentation of wines and grape musts(a);

“local administrative area” has the same meaning as in Article 1(3) of Council Regulation (EEC) No 2392/89 laying down general rules for the description and presentation of wines and grape musts;

“local authority” means—

- (i) as respects England and Wales, a food and drugs authority for the purposes of the Food Act 1984(b);
- (ii) as respects Scotland, an islands or district council which is the enforcement authority for the purposes of the Food and Drugs (Scotland) Act 1956(c);
- (iii) as respects Northern Ireland, a district council for the purposes of Article 34 of the Food (Northern Ireland) Order 1989(d);

“manufacturing” means using wine, for the purpose of a trade or business (other than a catering business), in the composition, manufacture or preparation of any product;

“the Minister” means, in relation to England, the Minister of Agriculture, Fisheries and Food, in relation to Scotland, or Wales, the Secretary of State and, in relation to Northern Ireland, the Department of Health and Social Services for Northern Ireland;

“relevant Community provision” means any Community provision referred to in Column 1 or Column 2 of Schedule 2 to these Regulations, the subject matter of which is described in Column 3 thereof;

“retail sale” means any sale to a person buying otherwise than for the purpose of resale but does not include a sale to a caterer in the course of his catering business or to a manufacturer in the course of his manufacturing business;

“the Wine Standards Board” means the Wine Standards Board of The Vintners’ Company.

(2) Other expressions used in these Regulations have, in so far as the context admits, the same meanings as in Council Regulation (EEC) No 2048/89 laying down general rules on controls in the wine sector(e).

(3) The Common Agricultural Policy (Wine )Regulations 1987(f) are hereby revoked.

### **Enforcement**

3.—(1) Subject to the provisions of this regulation, local authorities, the Minister, the Commissioners and the Wine Standards Board are hereby designated competent authorities or agencies for the purpose of the enforcement of the Community provisions.

(2) Each local authority shall secure the enforcement and execution of the relevant Community provisions in so far as they relate to the retail sale of wine within its area.

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(a) OJ No L232, 9.8.89, p. 13.

(b) 1984 c.30.

(c) 1956 c.30.

(d) S.I. 1989/846 (N.I. 6).

(e) OJ No L202, 14.7.89, p. 32.

(f) S.I. 1987/1843.

(3) The Minister, the Commissioners and the Wine Standards Board shall secure the enforcement and execution of the relevant Community provisions in so far as they relate to the importation and exportation of wine to or from the United Kingdom.

(4) The Minister and the Wine Standards Board shall secure the enforcement and execution of the relevant Community provisions in so far as they relate to any matter not mentioned in paragraphs (2) or (3) of this regulation.

(5) Nothing in this regulation shall be taken as authorising in the United Kingdom the Wine Standards Board or the Commissioners, or in relation to Scotland only, the Minister or a local authority, to institute proceedings for an offence.

#### **Definition of medium dry**

4. For the purposes of Article 13(6)(b) of Commission Regulation (EEC) No 997/81(a) laying down detailed rules for the description and presentation of wines and grape musts as amended(b) wine may be labelled and described as "medium dry" if it has a residual sugar content not exceeding 18 grams per litre where the total acidity content of that wine expressed as grams of tartaric acid per litre is not more than 10 grams per litre below its residual sugar content.

#### **Exemptions**

5. The relevant Community provisions relating to the information required on labels of the products mentioned in Article 1 of Council Regulation (EEC) No 2392/89(c) laying down general rules for the description and presentation of wines and grape musts shall not apply to—

- (a) unlabelled products which are transported between two or more establishments or between vineyards and wine making plants, in either case belonging to the same undertaking and situated in the same local administrative area;
- (b) unlabelled quantities of grape musts and wines not exceeding 15 litres per batch and not intended for sale;
- (c) unlabelled quantities of grape musts and wines intended for the domestic consumption of the producer and his employees.

6. The provisions of Article 13(1) of Council Regulation (EEC) No 2389/89(d) relating to the prohibition of the planting, field grafting and double-grafting of vine varieties not listed in the classification referred to in Article 1 of that Regulation shall not apply where the purpose of the planting is one of the purposes set out in the first subparagraph of Article 13(2) thereof.

#### **Powers of authorised officers**

7.—(1) An authorised officer may, on producing, if so required, a warrant of his authority, at any reasonable time enter any land, other than land used only as a dwelling, or any vehicle, for the purpose of ascertaining whether any offence under these Regulations has been committed.

(2) An authorised officer who has entered any land or vehicle in accordance with paragraph (1) of this regulation may—

- (a) inspect any materials or articles found in or on that land or vehicle;
- (b) require any person carrying on, or employed in connection with, a trade or business to produce any books, records or documents relating to that trade or business and may take copies of any such book, record or document, or of any entry in any such book, record or document;
- (c) undertake stock counts of wine-sector products and of any substances or products which may be used for the preparation of such products; and

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(a) OJ No L106, 16.4.81, p. 1.

(b) The relevant amending instrument is Commission Regulation (EEC) No 1011/84 (OJ No L101, 13.4.84, p. 17) to which a corrigendum was published in OJ No L302, 21.11.84, p. 30.

(c) OJ No L232, 9.8.89, p. 13.

(d) OJ No L232, 9.8.89, p. 1.

(d) purchase or take samples of any wine-sector product and of any substances or products which may be used for the preparation of such products.

(3) An authorised officer who has procured a sample of any wine-sector product may analyse or test or have analysed or tested that sample.

#### **Control on movement**

8.—(1) Where an authorised officer inspects any wine-sector product he may prohibit its movement if he has reason to believe that an offence has been or is being committed in respect of it contrary to any relevant Community provision referred to in columns 1 or 2 of Parts I, II, III or V of Schedule 2 to these Regulations and that there is a risk to public health or has been any fraudulent treatment of that product.

(2) An officer who exercises the power conferred by subsection (1) above shall, without delay, give to the person who appears to him to be in charge of the wine-sector product concerned notice in writing—

- (a) specifying the wine-sector product in relation to which the power has been exercised;
- (b) stating that the wine-sector product may not be moved without the written consent of an authorised officer; and
- (c) specifying the Community provision in respect of which the officer has reason to believe that an offence has been or is being committed.

(3) If the person to whom the officer gives the notice does not appear to him to be the owner of the wine-sector product concerned or an agent, contractor or employee of the owner, the officer shall use his best endeavours to bring the contents of the notice additionally to the attention of such a person as soon as possible.

(4) An authorised officer may affix to any wine-sector product in relation to which the power conferred by subsection (1) above has been exercised, or to any container in which the wine-sector product is packed, labels warning of the exercise of the power.

#### **Consent to movement**

9.—(1) An authorised officer may, at any time, give written consent to the movement of a controlled wine-sector product.

(2) An authorised officer shall, upon request, give written consent to the movement of a controlled wine-sector product if he, or another authorised officer, has been given a written undertaking to the effect that—

- (a) the wine-sector product will be moved to a place approved by an authorised officer; and
- (b) the wine-sector product will not be moved from that place without the written consent of an authorised officer.

(3) A consent given by an authorised officer under this section shall—

- (a) specify the wine-sector product to which it relates; and
- (b) state that the wine-sector product continues to be controlled.

#### **Authorised officer acting in good faith**

10.—(1) An authorised officer shall not be personally liable in respect of any act done by him in the execution or purported execution of these Regulations and within the scope of his employment, if he did that act in the honest belief that his duty under these Regulations required or entitled him to do it.

(2) Nothing in paragraph (1) above shall be construed as relieving an enforcement authority from any liability in respect of acts of its authorised officers.

(3) Where an action has been brought against an authorised officer in respect of an act done by him in the execution or purported execution of these Regulations and the circumstances are such that he is not legally entitled to require the enforcement authority to indemnify him, the authority may, nevertheless, indemnify him against the whole or part of any damages and costs or in Scotland of any damages and expenses which he may have been ordered to pay or which he may have incurred, if they are satisfied that he

honestly believed the act complained of was within the scope of his employment and that his duty under the Regulations required or entitled him to do it.

#### **Power to require analysis, or testing by Government Chemist**

11.—(1) The court before which any proceedings are brought for an offence under these Regulations may, if it thinks fit for the purposes of the proceedings, cause any article which is the subject of the proceedings and, if it has already been analysed, is capable of being further analysed or tested, to be sent to the Government Chemist, who shall make such analysis or test as is appropriate and transmit to the court a certificate of the result thereof, and the costs of the analysis or test, shall be paid by the prosecutor or the person charged as the court may order.

(2) If in a case in which an appeal is brought no action has been taken under paragraph (1) of this regulation, the provisions thereof shall apply in relation to the court by which the appeal is heard.

(3) Any certificate of the results of an analysis or test, transmitted by the Government Chemist under this regulation shall be signed by or on behalf of the Government Chemist, but the analysis or test may be made by any person under the direction of the person by whom the certificate is signed; and any certificate so transmitted by the Government Chemist shall be evidence of the facts stated therein unless any party to the proceedings requires that the person by whom it is signed or a person acting under his direction be called as a witness.

#### **Offences and penalties**

12.—(1) If any person contravenes, or fails to comply with, any of the relevant Community provisions referred to in Columns 1 or 2 of Parts I, II, III or V of Schedule 2 to these Regulations, he shall be guilty of an offence and liable—

(a) on summary conviction in Great Britain to a fine not exceeding the statutory maximum or on such conviction in Northern Ireland to a fine not exceeding £2,000; or

(b) on conviction on indictment, to a fine.

(2) If any person—

(a) contravenes, or fails to comply with, any of the relevant Community provisions referred to in Columns 1 or 2 of Parts IV, VI, VII or VIII of Schedule 2 to these Regulations, or

(b) discloses to any other person any information obtained by him in pursuance of his duties under these Regulations, unless the disclosure is made in, or for the purposes of, the performance by him or any other person of any functions under these Regulations, or in pursuance of a Community obligation,

he shall be guilty of an offence and liable on summary conviction in Great Britain to a fine not exceeding level 4 on the standard scale or on such conviction in Northern Ireland to a fine not exceeding £1,000.

(3) In any proceedings against any person for an offence under these Regulations, it shall be a defence for that person to prove that he took all reasonable precautions and exercised all due diligence to avoid committing the offence.

#### **Movement of a controlled wine-sector product**

13.—(1) Any person who, knowing a wine-sector product to be a controlled wine-sector product,—

(a) moves it, or

(b) causes it to be moved,

without the written consent of an authorised officer shall be guilty of an offence.

(2) Any person who, knowing a wine-sector product to be a controlled wine-sector product,—

(a) removes from it, or

(b) causes to be removed from it,

a label which has been affixed under regulation 8(4) of these Regulations shall be guilty of an offence.

(3) Any person who fails to comply with an undertaking given by him for the purposes of regulation 9 of these Regulations shall be guilty of an offence.

(4) It shall be a defence for a person charged with any offence under this regulation to prove that—

- (a) when the power conferred by regulation 8(1) was exercised, no offence had been or was being committed in respect of the wine-sector product concerned; and
- (b) that there was a reasonable excuse for the act or omission in respect of which he is charged.

(5) A person guilty of an offence under this regulation shall be liable on summary conviction in Great Britain to a fine not exceeding level 5 on the standard scale or on such conviction in Northern Ireland to a fine not exceeding £2,000.

#### **Obstruction**

14. Any person who—

- (a) intentionally obstructs an authorised officer acting in the execution of these Regulations; or
- (b) without reasonable cause fails to give to any such officer any assistance or information or to provide any facilities which that officer may reasonably require of him for the purposes of his functions under these Regulations

shall be guilty of an offence and liable on summary conviction in Great Britain to a fine not exceeding level 3 on the standard scale or on such conviction in Northern Ireland to a fine not exceeding £400.

#### **Offences by officers of bodies corporate**

15.—(1) Where an offence under these Regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or be attributable to any neglect on the part of, any director, manager, secretary or a similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, the provisions of paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 3rd July 1990.



*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

2nd July 1990

*Sanderson of Bowden*  
Minister of State, Scottish Office

## COMMUNITY PROVISIONS

<i>Measures containing Community provisions</i>	<i>Official Journal of the European Communities: Reference</i>
1. Commission Regulation (EEC) No. 1618/70 on measures for controlling the sweetening of table wines and of quality wines produced in specified regions	OJ No. L175, 8.8.70, p. 17 (OJ/SE 1970 (II) p. 562)
2. Commission Regulation (EEC) No. 2314/72 on certain measures for examining the suitability of certain vine varieties for cultivation, as amended by Commission Regulation (EEC) No. 3296/80 (OJ No. L344, 19.12.80, p. 13)	OJ No. L248, 1.11.72, p. 53 (OJ/SE 1972 (November) p. 11)
3. Commission Regulation (EEC) No. 2247/73 on the control of quality wines produced in specified regions, as amended by the Act of Accession of the Hellenic Republic (OJ No. L291, 19.11.79, p. 17) and by Commission Regulation (EEC) No. 418/86 (OJ No. L48, 26.2.86, p. 8) and by Commission Regulation (EEC) No. 986/89 (OJ No. L106, 18.4.89, p. 1)	OJ No. L230, 18.8.73, p. 12
4. Commission Regulation (EEC) No. 1153/75 prescribing the form of accompanying documents for wine products and specifying the obligations of wine producers and traders other than retailers, as amended by Commission Regulation (EEC) No. 2617/77 (OJ No. L304, 29.11.77, p. 33) and by the Act of Accession of the Hellenic Republic (OJ No. L291, 19.11.79, p. 17) and by Commission Regulation (EEC) No. 3203/80 (OJ No. L333, 11.12.80, p. 18) and by Commission Regulation (EEC) No. 418/86 (OJ No. L48, 26.2.86, p. 8) and by Commission Regulation (EEC) No. 986/89 (OJ No. L106, 18.4.89, p. 1)	OJ No. L113, 1.5.75, p. 1
5. Commission Regulation (EEC) No. 2152/75 on detailed rules for the application of Council Regulations (EEC) Nos. 358/79 and 823/87 in respect of sparkling wines <sup>(a)</sup> as amended by Commission Regulation (EEC) No. 986/89 (OJ No. L106, 18.4.89, p. 1)	OJ No. L219, 19.8.75, p. 7
6. Commission Regulation (EEC) No. 643/77 laying down rules for coupage and wine making in free zones on the geographical territory of the Community in respect of wine products originating in third countries, as amended by Commission Regulation (EEC) No. 3203/80 (OJ No. L333, 11.12.80, p. 18) and by Commission Regulation (EEC) No. 418/86 (OJ No. L48, 26.2.86, p. 8)	OJ No. L81, 30.3.77, p. 7

(a) The title of this Regulation as published in the edition of the Official Journal referred to is Commission Regulation (EEC) No. 2152/75 on detailed rules for the application of Council Regulations (EEC) Nos. 2893/74 and 2894/74 in respect of sparkling wines. Regulations (EEC) Nos. 2893/74 and 2894/74 have been superseded by Council Regulations (EEC) Nos. 358/79 and 823/87 respectively.

SCHEDULE 1—*continued*

*Measures containing Community provisions*

*Official Journal of the European Communities:  
Reference*

7. Commission Regulation (EEC) No. 1972/78 laying down detailed rules on oenological practices, as amended by Commission Regulation (EEC) No. 45/80 (OJ No. L7, 11.1.80, p. 12)

OJ No. L226, 17.8.78, p. 11

8. Council Regulation (EEC) No. 351/79 concerning the addition of alcohol to products in the wine sector, as amended by Council Regulation (EEC) No. 2817/79 (OJ No. L320, 15.12.79, p. 7) and by the Act of Accession of the Hellenic Republic (OJ No. L291, 19.11.79, p. 17) and by Council Regulation (EEC) No. 3196/80 (OJ No. L333, 11.12.80, p. 6) and by Council Regulation (EEC) No. 3658/81 (OJ No. L366, 22.12.81, p. 1) and by Council Regulation (EEC) No. 3267/82 (OJ No. L347, 7.12.82, p. 1) and by Council Regulation (EEC) No. 3518/83 (OJ No. L352, 15.12.83, p. 1) and by Council Regulation (EEC) No. 3689/84 (OJ No. L341, 29.12.84, p. 7) and by Council Regulation (EEC) No. 3581/85 (OJ No. L343, 20.12.85, p. 6) and by Council Regulation (EEC) No. 255/87 (OJ No. L26, 29.1.87, p. 2) and by Council Regulation (EEC) No. 4090/87 (OJ No. L382, 31.12.87, p. 26) and Council Regulation (EEC) No. 3904/88 (OJ No. L347, 16.12.88, p. 9)

OJ No. L54, 5.3.79, p. 90

9. Council Regulation (EEC) No. 357/79 on statistical areas under vines, as amended by Council Regulation (EEC) No. 1992/80 (OJ No. L195, 29.7.80, p. 10) and by Council Regulation (EEC) No. 3719/81 (OJ No. L373, 29.12.81, p. 5) and by Council Regulation (EEC) No. 3678/85 (OJ No. L362, 31.12.85, p. 8) and by Council Regulation (EEC) No. 490/86 (OJ No. L54, 1.3.86, p. 22)

OJ No. L54, 5.3.79, p. 124

10. Council Regulation (EEC) No. 358/79 on sparkling wines produced in the Community and defined in item 15 of Annex I to Council Regulation (EEC) No. 822/87(a) as amended by Council Regulation (EEC) No. 2383/79 (OJ No. L274, 31.10.79, p. 8) and by the Act of Accession of the Hellenic Republic (OJ No. L291, 19.11.79, p. 17) and by Council Regulation (EEC) No. 3456/80 (OJ No. L360, 31.12.80, p. 18) and by Council Regulation (EEC) No. 3686/84 (OJ No. L341, 29.12.84, p. 3) and by Council Regulation (EEC) No. 3310/85 (OJ No. L320, 29.11.85, p. 19) and by Council Regulation (EEC) No. 3805/85 (OJ No. L367, 31.12.85, p. 39) as amended by Council Regulation (EEC) No. 2044/89 (OJ No. L202, 14.7.89, p. 8)

OJ No. L54, 5.3.79, p. 130

(a) The title of this Regulation as published in the edition of the Official Journal referred to is Council Regulation (EEC) No. 358/79 on sparkling wines produced in the community and defined in item 13 of Annex II to Council Regulation (EEC) No. 337/79. Regulation (EEC) No. 337/79 has been superseded by Council Regulation (EEC) No. 822/87.



SCHEDULE 1—*continued*

*Measures containing Community provisions*

*Official Journal of the European Communities:  
Reference*

11. Act concerning the 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 28 May 1979

OJ No. L291, 19.11.79, p. 17

12. Council Regulation (EEC) No. 2903/79 on the downgrading of quality wines produced in specified regions, as amended by Council Regulation (EEC) No. 418/86 (OJ No. L48, 26.2.86, p. 8)

OJ No. L326, 22.12.79, p. 14

13. Commission Regulation (EEC) No. 997/81 laying down detailed rules for the description and presentation of wines and grape musts, as amended by Commission Regulation (EEC) No. 2628/81 (OJ No. L258, 11.9.81, p. 10) and by Commission Regulation (EEC) No. 1224/83 (OJ No. L134, 21.5.83, p. 1) and by Commission Regulation (EEC) No. 1011/84 (OJ No. L101, 13.4.84, p. 17) and by Commission Regulation (EEC) No. 2337/84 (OJ No. L215, 11.8.84, p. 9) and by Commission Regulation (EEC) No. 2397/84 (OJ No. L224, 21.8.84, p. 19) and by Commission Regulation (EEC) No. 418/86 (OJ No. L48, 26.2.86, p. 8) and by Commission Regulation (EEC) No. 63/87 (OJ No. L8, 10.1.87, p. 38) and by Commission Regulation (EEC) No. 689/87 (OJ No. L66, 11.3.87, p. 5) and by Commission Regulation 3360/87 (OJ No. L320, 10.11.87, p. 5) and by Commission Regulation 560/88 (OJ No. L54, 1.3.88, p. 55) and by Commission Regulation 1622/88 (OJ No. L145, 11.6.88, p. 23) and by Commission Regulation 632/89 (OJ No. L70, 14.3.89, p. 6)

OJ No. L106, 16.4.81, p. 1

14. Commission Regulation (EEC) No. 3800/81 determining the classification of vine varieties, as amended by Commission Regulation (EEC) No. 1469/82 (OJ No. L159, 10.6.82, p. 21) and by Commission Regulation (EEC) No. 2060/83 (OJ No. L202, 26.7.83, p. 15) and by Commission Regulation (EEC) No. 3582/83 (OJ No. L356, 20.12.83, p. 18) and by Commission Regulation (EEC) No. 1871/85 (OJ No. L175, 5.7.85, p. 9) and by Commission Regulation (EEC) No. 2599/85 (OJ No. L248, 17.9.85, p. 5) and by Commission Regulation No. 418/86 (OJ No. L48, 26.2.86, p. 8) and by Commission Regulation (EEC) No. 416/87 (OJ No. L42, 12.2.87, p. 18) and by Commission Regulation (EEC) No. 1467/87 (OJ No. L138, 28.5.87, p. 44) and by Commission Regulation (EEC) No. 276/89 (OJ No. L32, 3.2.89, p. 10) and by Commission Regulation (EEC) No. 1543/89 (OJ No. L151, 27.7.89, p. 2)

OJ No. L381, 31.12.81, p. 1

SCHEDULE 1—*continued*

*Measures containing Community provisions*

*Official Journal of the European Communities:  
Reference*

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|---|-------------------------------------|
| <p>15. Council Regulation (EEC) No. 3826/81 on the conclusion of the Agreement between the European Economic Community and the Republic of Austria on the control and reciprocal protection of quality wines and certain wines bearing a geographical ascription</p>  | <p>OJ No. L389, 31.12.81, p. 1</p>  |
| <p>16. Council Regulation (EEC) No. 1873/84 authorising the offer or disposal for direct human consumption of certain imported wines which may have undergone oenological processes not provided for in Council Regulation (EEC) No. 822/87(a) as amended by Council Regulation (EEC) No. 2179/88 (OJ No. L191, 22.7.88, p. 10) and by Council Regulation (EEC) 2245/89 (OJ No. L216, 27.7.89, p. 2) and by Council Regulation (EEC) No. 3888/89 (OJ No. L378, 27.12.89, p. 15)</p> | <p>OJ No. L194, 24.7.84, p. 1</p>   |
| <p>17. 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</p>   | <p>OJ No. L179, 11.7.85, p. 21</p>  |
| <p>18. Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic and the adjustments to the Treaties, signed on 12 June 1985</p>   | <p>OJ No. L302, 15.11.85, p. 23</p> |
| <p>19. Council Regulation (EEC) No. 3309/85 laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines, as amended by Council Regulation (EEC) No. 3805/85 (OJ No. L367, 31.12.85, p. 39) and by Council Regulation (EEC) No. 1626/86 (OJ No. L144, 29.5.86, p. 3) and by Council Regulation (EEC) No. 538/87 (OJ No. L55, 25.2.87, p. 4) and by Council Regulation (EEC) 2045/89 (OJ No. L202, 14.7.89, p. 12)</p>              | <p>OJ No. L320, 29.11.85, p. 9</p>  |
| <p>20. Commission Regulation (EEC) No. 3590/85 on the certificate and analysis report required for the importation of wine, grape juice and grape must, as amended by Commission Regulation (EEC) No. 1614/86 (OJ No. L142, 28.5.86, p. 22) and by Commission Regulation (EEC) No. 2039/88 (OJ No. L179, 9.7.88, p. 29)</p>   | <p>OJ No. L343, 20.12.85, p. 20</p> |
| <p>21. Council Regulation (EEC) No. 3805/85 adapting, on account of the accession of Spain and Portugal, certain Regulations relating to the wine sector</p>  | <p>OJ No. L367, 31.12.85, p. 39</p> |

(a) The title of this Regulation as published in the edition of the Official Journal referred to is Council Regulation (EEC) No. 1873/84 authorising the offer or disposal for direct human consumption of certain imported wines which may have undergone certain oenological processes not provided for in Council Regulation (EEC) No. 337/79. Regulation (EEC) No. 337/79 has been superseded by Council Regulation (EEC) No. 822/87.

SCHEDULE 1—*continued*

<i>Measures containing Community provisions</i>	<i>Official Journal of the European Communities: Reference</i>
22. Commission Regulation (EEC) No. 305/86 on the maximum total sulphur dioxide content of wine originating in the Community produced before 1 September 1986 and, for a transitional period, imported wine	OJ No. L38, 13.2.86, p. 13
23. Commission Regulation (EEC) No. 418/86 amending various Regulations concerning wine as a result of the accession of Spain and Portugal	OJ No. L48, 26.2.86, p. 8
24. Commission Regulation (EEC) No. 479/86 determining the exceptional cases in which coupage of red Spanish wines with red wines of other Member States, derived from certain varieties of grape and originating in certain regions of the Community, shall be allowed	OJ No. L54, 1.3.86, p. 1
25. Council Regulation (EEC) No. 1627/86 laying down rules for the description of special wines with regard to the indication of alcoholic strength	OJ No. L144, 29.5.86, p. 4
26. Commission Regulation (EEC) No. 1781/86 laying down certain detailed rules for authorising the coupage with Spanish red wines of certain red wines of other Member States	OJ No. 155, 10.6.86, p. 6
27. Commission Regulation (EEC) No. 1888/86 on the maximum total sulphur dioxide content of certain sparkling wines originating in the Community and prepared before 1 September 1986, and, for a transitional period, of imported sparkling wines	OJ No. L163, 19.6.86, p. 19
28. Commission Regulation (EEC) No. 2094/86 laying down detailed rules for the use of tartaric acid for the de-acidification of specified wine products in certain regions of Zone A, as amended by Commission Regulation (EEC) No. 2736/86 (OJ No. L252, 4.9.86, p. 15)	OJ No. L180, 4.7.86, p. 17
29. Council Regulation (EEC) No. 2392/86 establishing a Community vineyard register	OJ No. L208, 31.7.86, p. 1
30. Commission Regulation (EEC) No. 2707/86 laying down detailed rules for the description and presentation of sparkling and aerated sparkling wines, as amended by Commission Regulation (EEC) No. 3378/86 (OJ No. L310, 5.11.86, p. 5) and by Commission Regulation (EEC) No. 2249/87 (OJ No. L207, 29.7.87, p. 26) and by Commission Regulation (EEC) No. 575/88 (OJ No. L56, 2.3.88, p. 22) and by Commission Regulation (EEC) No. 2657/88 (OJ No. L237, 27.8.88, p. 17) and by Commission Regulation (EEC) No. 596/89 (OJ No. L65, 9.3.89, p. 9)	OJ No. L246, 30.8.86, p. 71

SCHEDULE 1—*continued*

<i>Measures containing Community provisions</i>	<i>Official Journal of the European Communities: Reference</i>
31. 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. L116, 28.4.89, p. 20)	OJ No. L62, 5.3.87, p. 10
32. Council Regulation (EEC) No. 822/87 on the common organisation of the market in wine as amended by Council Regulation (EEC) No. 1390/87 (OJ No. L133, 22.5.87, p. 3) and by Council Regulation (EEC) No. 1972/87 (OJ No. L184, 3.7.87, p. 26) and by Council Regulation (EEC) No. 3146/87 (OJ No. L300, 23.10.87, p. 4) and by Council Regulation (EEC) No. 3992/87 (OJ No. L377, 31.12.87, p. 20) and by Council Regulation (EEC) No. 1441/88 (OJ No. L132, 28.5.88, p. 1) and by Council Regulation (EEC) No. 2253/88 (OJ No. L198, 26.7.88, p. 35) and by Council Regulation (EEC) No. 2964/88 (OJ No. L269, 29.9.88, p. 5) and by Council Regulation (EEC) No. 2253/88 (OJ No. L198, 26.7.88, p. 35) and by Council Regulation (EEC) No. 4250/88 (OJ No. L373, 31.2.88, p. 55) and by Council Regulation 1236/89 (OJ No. L128, 11.5.89, p. 31)	OJ No. L84, 27.3.87, p.1
33. Council Regulation (EEC) No. 823/87 laying down special provisions relating to quality wines produced in specified regions as amended by Council Regulation (EEC) No. 2043/89 (OJ No. L202, 14.7.89, p. 1)	OJ No. L84, 27.3.87, p. 59
34. Commission Regulation (EEC) No. 1069/87 laying down detailed rules as regards the indication of alcoholic strength labelling of special wines	OJ No. L104, 16.4.87, p. 14
35. Commission Regulation (EEC) No. 3929/87 on harvest, production and stock declarations relating to wine-sector products as amended by Commission Regulation (EEC) No. 2572/89 (OJ No. L249, 25.8.89, p. 39)	OJ No. L369, 29.12.87, p. 59
36. Council Regulation (EEC) No. 4252/88 on the preparation and marketing of liqueur wines produced in the Community	OJ No. L373, 31.12.88, p. 59
37. Council Regulation (EEC) No. 986/89 on the accompanying documents for carriage of wine products and the relevant records to be kept as amended by Council Regulation (EEC) No. 2600/89 (OJ No. L251, 29.8.89, p. 5)	OJ No. L106, 18.4.89, p. 1
38. Council Regulation (EEC) No. 2048/89 laying down general rules on controls in the wine sector	OJ No. L202, 14.7.89, p. 32
39. Commission Regulation (EEC) No. 2240/89 on the notification, execution and monitoring of the processes entailing the enriching, acidifying and de-acidifying of wine	OJ No. L215, 26.7.89, p. 16

SCHEDULE 1—*continued*

<i>Measures containing Community provisions</i>	<i>Official Journal of the European Communities: Reference</i>
40. Council Regulation (EEC) No. 2389/89 on general rules for the classification of vine varieties	OJ No. L232, 9.8.89, p. 1
41. Council Regulation (EEC) No. 2390/89 laying down general rules for the import of wines, grape juice and grape must as amended by Council Regulation (EEC) No. 3887/89 (OJ No. L378, 27.12.89, p. 14)	OJ No. L232, 9.8.89, p. 7
42. Council Regulation (EEC) No. 2392/89 laying down general rules for the description and presentation of wines and grape musts as amended by Council Regulation (EEC) No. 3886/89 (OJ No. L378, 27.12.89, p. 12)	OJ No. L232, 9.8.89, p. 13
43. Council Regulation (EEC) No. 3677/89 on the total alcoholic strength by volume and the total acidity of certain imported quality wines	OJ No. L360, 9.12.89, p. 1

SCHEDULE 2

Regulation 2(1)

RELEVANT COMMUNITY PROVISIONS

PART I

ACCOMPANYING DOCUMENTS

(1) <i>Relevant Community provisions</i>	(2) <i>Supplementing provisions</i>	(3) <i>Subject matter</i>
1. Regulation 822/87: Article 71(1) and (2)	Regulation 1153/75: all Articles except 1(1), 1(3), 2, 4, 5, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 26, 27 and 28, as amended by Regulation 261/77: Articles 1 and 2 and by Regulation 3203/80: Article 1 and by Regulation 418/86: Article 5(2) and (3) and by Regulation 986/89	Requirements relating to accompanying documents and turnover records
2. Regulation 822/87: Article 70(1) as amended by Regulation 4250/88 Article 1	Regulation 2390/89 as amended by Regulation 3887/89 Article 1	Accompanying documents required for the importation of wines and other products

## PART II

## QUALITY WINES PRODUCED IN SPECIFIED REGIONS

(1) <i>Relevant Community provisions</i>	(2) <i>Supplementing provisions</i>	(3) <i>Subject matter</i>
1. Regulation 823/87: Article 15(1), (2), (4), (5) and (7) as amended by Regulation 2043/89	Regulation 2247/73: Article 2 and Act of Accession of the Kingdom of Spain and the Portuguese Republic: Article 129	General provisions relating to the use of the expression 'quality wines psr' and other expressions traditionally used by Member States to designate particular quality wines
2. Regulation 823/87: Article 15(3) as amended by Regulation 2043/89		Restrictions on use of the term 'quality sparkling wine psr' and other traditionally equivalent terms
3. Regulation 823/87: Article 15(8) as amended by Regulation 2043/89	Regulation 2903/79: Articles 3 and 4	Provisions relating to downgraded quality wine psr

## PART III

## DESCRIPTION AND PRESENTATION

(1) <i>Relevant Community provisions</i>	(2) <i>Supplementing provisions</i>	(3) <i>Subject matter</i>
1. Regulation 2392/89: all Articles except 1, 36, 45 and 46 as amended by Regulation 3886/89 Article 1	Regulation 997/81: all articles except 24 and 25 as amended by Regulation 2628/81: Article 1(1) and by Regulation 1224/83: Article 1 and by Regulation 1011/84: Article 1 and by Regulation 2337/84: Article 1 and by Regulation 2397/84: Article 1 and by Regulation 418/86: Article 1 and by Regulation 63/87: Article 1 and by Regulation 689/87: Article 1 and by Regulation 560/88: Article 1 and by Regulation 1662/88: Article 1 and by Regulation 632/89: Article 1	General rules and particular requirements relating to the description and presentation of wines and other products
2. Regulation 3309/85: all articles except 16, 17 and 18 as amended by Regulation 3805/85: Article 10 and by Regulation 1626/86: Article 1 and by Regulation 538/87: Article 1 and by Regulation 2045/89: Articles 1 and 2	Regulation 2707/86: All Articles except 11 as amended by Regulation 3378/86: Article 1 and by Regulation 2249/87: Article 1 and by Regulation 575/88: Article 1 and by Regulation 2657/88: Article 1 and by Regulation 596/89: Article 1	General rules and particular requirements relating to the description and presentation of sparkling wines and aerated sparkling wines

SCHEDULE 2: Part III—*continued*

(1) <i>Relevant Community provisions</i>	(2) <i>Supplementing provisions</i>	(3) <i>Subject matter</i>
3. Regulation 1627/86: Article 1(1)	Regulation 1069/87: Articles 1 and 2	General rules and particular requirements relating to the indication of alcoholic strength on the labelling of liqueur wines, semi-sparkling wines and aerated semi-sparkling wines

PART IV

PRODUCTION AND CONTROL OF PLANTING

(1) <i>Relevant Community provisions</i>	(2) <i>Supplementing provisions</i>	(3) <i>Subject matter</i>
1. Regulation 822/87: Article 3(1), (2) and (3)	Regulation 3929/87	Harvest, production and stock declarations
2. Regulation 822/87: Articles 13(2) and 69	Regulation 2389/89 Article 13(1)	Restrictions on the use of certain vine varieties

PART V

OENOLOGICAL PROCESSES AND CONDITIONS FOR RELEASE TO THE MARKET

(1) <i>Relevant Community provisions</i>	(2) <i>Supplementing provisions</i>	(3) <i>Subject matter</i>
1. Regulation 822/87: Articles 18(1) and (2) and 19(1) to (7)		Conditions for increasing alcoholic strength
2. Regulation 822/87: Article 21(1) and (3)	Regulation 2240/89 Regulation 2094/86: Article 1 as amended by Regulation 2736/86	Conditions for acidification and deacidification of wine
3. Regulation 822/87: Article 22(1) and (2)		Conditions for sweetening table wines and imported wines
4. Regulation 1618/70: Articles 1, 2, 3 and 4		Notifications and keeping of turnover records in relation to sweetening operations
5. Regulation 822/87: Article 23(1), (2) and (3)	Regulation 1594/70: Articles 5, 6, 7 and 8	Conditions for carrying out authorised processes (including notification and keeping of register)
6. Regulation 822/87: Article 16(2)		Restriction on mixing certain products with products suitable for yielding table wines
7. Regulation 822/87: Article 35(1)		Prohibition of the over pressing of grapes and the pressing of wine lees

**SCHEDULE 2: Part V—continued**

(1) <i>Relevant Community provisions</i>	(2) <i>Supplementing provisions</i>	(3) <i>Subject matter</i>
8. Regulation 822/87: Article 25(1)	Regulation 351/79: Articles 1, 2 and 3 as amended by Act of Accession of the Hellenic Republic: Article 21 and Annex I, Part IIB, (n) 16 and by Regulation 3196/80: Article 1 and by Regulation 3267/82: Article 1 and by Regulation 3518/83: Article 1 and by Regulation 3689/84: Article 1 and by Regulation 3581/85: Article 1 and by Regulation 255/87: Article 1(1) and (2) and by Regulation 3904/88: Article 1	Addition of alcohol
9. Regulation 822/87: Article 16(3) to (7)	Regulation 479/86: Article 1 and Regulation 1781/86: Article 1	Permitted methods for the production of table wine by coupage
10. Regulation 822/87: Article 65(1) and (2)	Regulation 2805/73: Article 2 and Regulation 305/86: Article 1	Maximum permissible sulphur dioxide content of wine
11. Regulation 822/87: Articles 15(1), (3) and (4), 16(1) and (2), 17(1), (2) and (3) and 66	Regulation 2394/84: Articles 1(1) and 2 as amended by Regulation 2751/86: Article 1(1)	Permitted oenological practices and processes
12. Regulation 822/87: Article 67(1)		Wine and certain grape musts that may be offered for direct human consumption
13. Regulation 822/87: Articles 13(4) and 67(2) to (7)		Restrictions relating to certain wines and other products originating in the Community
14. Regulation 822/87: Article 68		Restrictions relating to the use of wine originating in third countries in the production of sparkling wine
15. Regulation 822/87: Article 70(3) to (6)		Restriction on the use of products originating in third countries
16. Regulation 3677/89: Article 1	Regulation 3862/81	Rules relating to quality wines originating in third countries
17. Regulation 822/87: Article 73(1)	Regulation 1873/84: Article 1 as amended by Regulation 2179/88: Article 1 and Regulation 3888/89: Article 1	General rules relating to release of wine products for human consumption



SCHEDULE 2: Part III—*continued*

(1) <i>Relevant Community provisions</i>	(2) <i>Supplementing provisions</i>	(3) <i>Subject matter</i>
<p>18. Regulation 358/79: Articles 2, 4, 5(1) to (4), 6(1) and (2), 7(2), 8(1) and (2), 10, 11, 12(1), 13, 14, 15, 16(1), 17(1) and (2), 18 and 22 as amended by Regulation 2383/79: Article 1 and by Regulation 3456/80: Article 1 and by Regulation 3686/84: Article 1(1), (3), (4) and (5) and by Regulation 3310/85: Article 1(1) to (4) and by Regulation 2044/89: Article 1</p>	<p>Regulation 2152/75: Article 1</p>	<p>Rules for the preparation and marketing of sparkling wines</p>
<p>19. Regulation 3590/85: Article 8(1)</p>		<p>Conditions for release for human consumption of products originating in third countries</p>
<p>20. Regulation 1972/78: Articles 1, 2 and 4a as amended by Regulation 45/80: Article 1</p>		<p>Restrictions relating to the holding of unfit wines and the use of oenological substances</p>

PART VI  
SPECIFICATION

(1) <i>Relevant Community provisions</i>	(2) <i>Supplementing provisions</i>	(3) <i>Subject matter</i>
<p>1. Regulation 822/87: Article 72(1)</p>		<p>Use of the term 'table wine'</p>
<p>2. Regulation 2392/89 Article 43</p>	<p>Regulation 997/81: Article 20</p>	<p>Use of the term 'wine'</p>

PART VII  
VINEYARD REGISTER

(1) <i>Relevant Community provisions</i>	(2) <i>Supplementing provisions</i>	(3) <i>Subject matter</i>
<p>1. Regulation 2392/86: Article 3(2)</p>	<p>Regulation 649/87 as amended by 1097/89</p>	<p>Establishment of a vineyard register</p>

PART VIII

COMMUNITY INSPECTION

(1) <i>Relevant Community provisions</i>	(2) <i>Supplementing provisions</i>	(3) <i>Subject matter</i>
1. Regulation 2048/89 Articles 6, 8(5) and 15		Facilitation of controls by persons subject to them and powers of officials

**EXPLANATORY NOTE**

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

These Regulations, which apply throughout the United Kingdom and come into force on 6th August 1990, provide for the enforcement of EEC Regulations (as specified in Schedules 1 and 2) concerned with the production and marketing of wine and related products.

The Regulations, which revoke and re-enact with amendments the provisions of the Common Agricultural Policy (Wine) Regulations 1987—

- (a) designate competent authorities for the purposes of enforcement (regulation 3);
- (b) define “medium dry” for the purposes of labelling and description (regulation 4);
- (c) exempt certain products from provisions relating to information required on labels (regulation 5);
- (d) permit the planting for certain purposes of vine varieties whose planting would otherwise be prohibited (regulation 6);
- (e) provide for powers of inspection and enforcement (regulation 7);
- (f) authorise controls on the movement of wine sector products (regulations 8 and 9);
- (g) relieve authorised officers of personal liability for acts done by them in execution of the Regulations (regulation 10);
- (h) confer on courts before which proceedings are brought powers in relation to the analysis of samples (regulation 11); and
- (i) prescribe offences and penalties (regulations 12, 13, 14 and 15).

The Regulations differ from the Common Agricultural Policy (Wine) Regulations 1987 in that—

- (a) the term “medium dry” has been defined for the purposes of labelling and description of wine by reference to its residual sugar content in relation to its total acidity content (regulation 4);
- (b) powers of entry, inspection of materials and documents, taking stock counts, sampling and analysis have been conferred on authorised officers of designated enforcement authorities (regulation 7);
- (c) powers have been given to authorised officers to prohibit the movement of wine sector products where they have reason to believe that an offence triable summarily or on indictment is being committed and that there is a risk to public health or has been any fraudulent treatment of those products and to consent to the movement of such products in certain circumstances (regulations 8 and 9);
- (d) provision is made with respect to the personal liability of authorised officers and the analysis of samples in the course of proceedings;

- (e) new offences have been created in relation to the unauthorised movement of controlled wine (regulation 13) and the obstruction of authorised officers (regulation 14);
- (f) the Schedules have been revised and brought up to date so as to include references to relevant Regulations of the European Economic Community which have been adopted since the Common Agricultural Policy (Wine) Regulations 1987 came into force and to delete references to Regulations which have been repealed or superseded or have become redundant.

In Schedule 1 each Regulation is given the title which appears in the Official Journal except in cases where the title refers to a Regulation that has been repealed or superseded. In such a case the title given in Schedule 1 refers to the superseding Regulation and the title in the Official Journal is given in a footnote.