
STATUTORY INSTRUMENTS

2020 No. 1636

**The Spirit Drinks, Wine and European Union
Withdrawal (Consequential Modifications)
(Amendment) (EU Exit) Regulations 2020**

PART 2

Amendments made under section 2(2) of the European Communities Act 1972

The Spirit Drinks Regulations 2008

- 2.—(1) The Spirit Drinks Regulations 2008⁽¹⁾ are amended as follows.
- (2) In regulation 3(1), after the definition of “Regulation (EC) No 110/2008” insert—
- ““Regulation (EC) No 936/2009” means Commission Regulation (EC) No 936/2009 applying the agreements between the European Union and third countries on the mutual recognition of certain spirit drinks⁽²⁾”.
- (3) In regulation 4 insert as paragraph (5)—
- “(5) A person is guilty of an offence if they contravene Article 1 of Regulation (EC) No 936/2009”.
- (4) After regulation 6(4) insert—
- “(5) Each food authority is designated as the competent authority responsible for controls in respect of the enforcement of Article 1 of Regulation (EC) No 936/2009 in its area except to the extent that a port health authority is designated as the competent authority within any part of that area under paragraph (6).
- (6) Each port health authority is designated as the competent authority responsible for controls in respect of the enforcement of Article 1 of Regulation (EC) No 936/2009 in its district for drinks being imported into or exported from the United Kingdom.”.
- (5) In regulation 18(1)⁽³⁾, in the words before sub-paragraph (a), for “or (2)” substitute “, (2) or (5)”.
- (6) In regulation 22—
- (a) at the end of sub-paragraph (a) omit “or”;
- (b) at the end of sub-paragraph (b) insert “; or”;
- (c) after sub-paragraph (b) insert—
- “(c) committed an offence under regulation 4(5) by contravening Article 1 of Regulation (EU) No 936/2009”.

(1) S.I. 2008/3206, amended by S.I. 2011/1043 and 2019/1289.

(2) OJ No. L 264, 8.10.2009, p. 5.

(3) Regulation 18(1) was amended, in relation to England and Wales, by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), section 85(1).

The Wine Regulations 2011

3.—(1) The Wine Regulations 2011⁽⁴⁾ are amended as follows.

(2) In regulation 2(2), before the definition of “the Agency” insert—

““the 1416/2006 prohibition” has the meaning given in regulation 6A(1);”.

(3) In regulation 3(1), in the words before sub-paragraph (a), after “Regulations” insert “and the 1416/2006 prohibition”.

(4) In regulation 4(1), at the end insert “and the 1416/2006 prohibition”.

(5) In Part 3, before regulation 7 insert—

“The 1416/2006 prohibition

6A.—(1) In these Regulations, “the 1416/2006 prohibition” means the prohibition contained in the first sentence of Article 1 of Regulation (EC) No 1416/2006⁽⁵⁾ (prohibiting the use of a US name of origin listed in the Annex to that Regulation for a wine unless it is used to designate a wine of the origin indicated by such name) as read with paragraph (2).

(2) The prohibition referred to in paragraph (1) does not apply in relation to the use of a US name of origin listed in the Annex to Regulation (EC) No 1416/2006 for a wine where—

- (a) the name of origin used for the wine is homonymous with the US name of origin, the wine originates from the place with the homonymous name and the name is used in such a way that consumers will not be misled, or
- (b) the name is used in the course of trade by the person under whose name the wine is produced and marketed and the US name of origin is the same as the name of that person or a predecessor of that person in business and is used in such a way that consumers will not be misled.

(3) In this regulation, “Regulation (EC) No 1416/2006” means Commission Regulation (EC) No 1416/2006 laying down specific rules on the implementation of Article 7(2) of the Agreement between the European Community and the United States of America on trade in wine concerning the protection of US names of origin in the Community.”.

(6) In regulation 8(1), after “European Regulations” insert “, the 1416/2006 prohibition”.

(7) In regulation 9(1)(a), after “European Regulations” insert “, the 1416/2006 prohibition”.

(8) In regulation 10—

- (a) in paragraph (1), after “Regulations” insert “or the 1416/2006 prohibition”;
- (b) in paragraph (2)(a), at the end insert “or, if relevant, state that the officer believes that the 1416/2006 prohibition has been contravened”.

(9) In regulation 11(2)—

- (a) at the end of sub-paragraph (a) omit “or”;
- (b) at the end of sub-paragraph (b) insert “; or”;
- (c) after sub-paragraph (b) insert—
 - “(c) has contravened the 1416/2006 prohibition.”.

(10) In regulation 12(2), after “Regulations” insert “or the 1416/2006 prohibition”.

(11) In regulation 14—

- (a) after paragraph (1) insert—

⁽⁴⁾ S.I. 2011/2936, amended by S.I. 2012/2897 and 2019/524.

⁽⁵⁾ OJ No. L 267, 27.9.2006, p. 22, as amended by Commission Implementing Regulation (EU) No 1212/2011 (OJ No. L 308, 24.11.2011, p. 18).

- “(1A) Any person who contravenes the 1416/2006 prohibition is guilty of an offence.”;
- (b) after paragraph (3)(a) insert—
- “(aa) intentionally to obstruct an authorised officer acting in the enforcement of the 1416/2006 prohibition;”.