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WELSH STATUTORY INSTRUMENTS

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**2006 No. 1716 (W.178)**

**AGRICULTURE, WALES**

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

*Made* - - - - 28 June 2006

*Coming into force* - - 1 July 2006

The National Assembly for Wales, being designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community.

There has been open and transparent public consultation during the preparation of the following Regulations as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council<sup>(3)</sup> 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, as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council<sup>(4)</sup>.

The National Assembly for Wales makes the following Regulations under the powers conferred by section 2(2) of the European Communities Act 1972—

**Title, commencement, application and interpretation**

1.—(1) The title of these Regulations is the Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2006. These Regulations come into force on 1 July 2006 and apply in relation to Wales.

(2) In these Regulations “the 2001 Regulations” (“*y prif Reoliadau*”) mean the Common Agricultural Policy (Wine) (Wales) Regulations 2001<sup>(5)</sup>.

**Amendment of the 2001 Regulations**

2.—(1) The 2001 Regulations are amended as follows.

(2) In each of the provisions specified in paragraph (3), for the words “Wine Standards Board”, wherever occurring, substitute the word “Agency”.

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(1) S.I. 2005/2766.

(2) 1972 c. 68.

(3) OJ No. L31, 1.2.2002, p.1.

(4) OJ No. L245, 29.9.2003, p.4.

(5) S.I. 2001/2193, amended by S.I. 2003/1776, 2004/2599.

- (3) The provisions referred to in paragraph (2) are—
- (a) the definition of “enforcement authority” (“*awdurdod gorfodi*”) in regulation 2(1);
  - (b) regulations 3(1), (3), and (4), 8(3) and 9(4) and
  - (c) regulation 18 and in the Welsh text of that regulation substituting “*ei ddynodi*” for “*ei dynodi*”.
- (4) In regulation 2(1)—
- (a) insert at the appropriate place the following definition—
 

“the Agency” (“*yr Asiantaeth*”) means the Food Standards Agency;”;
  - (b) omit the definition of “the Wine Standards Board”.
- (5) In regulation 2(1)—
- (a) For the definition of “the Commissioners” (“*y Comisiynwyr*”) substitute “the Commissioners” means the Commissioners for Revenue and Customs;”;
  - (b) For the definition of “Council Regulation (EC) No 1493/1999” (“*Reoliad y Cyngor (EC) Rhif 1493/1999*”) substitute “Council Regulation (EC) No. 1493/1999” means Council Regulation (EC) No. 1493/1999(6) on the common organisation of the market in wine, as last amended by Commission Regulation (EC) No. 1795/2003(7), and references in Schedules 2 and 5 to “Regulation 1493/1999” are to be construed accordingly;”;
  - (c) Insert the following definitions in their appropriate alphabetical places—
 

“Commission Regulation (EEC) No. 2676/90” (“*Rheoliad y Comisiwn (EEC) Rhif 2676/90*”) means Commission Regulation (EEC) No. 2676/90(8) determining Community methods for the analysis of wines, as last amended by Commission Regulation (EC) No. 355/2005(9);”;

“Commission Regulation (EC) No. 1622/2000” (“*Rheoliad y Comisiwn (EC) Rhif 1622/2000*”) means Commission Regulation (EC) No. 1622/2000(10) laying down certain detailed rules for implementing 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. 1428/2004(11), and references in Schedules 2 and 5 to “Regulation 1622/2000” are to be construed accordingly;”;

“Commission Regulation (EC) No. 1623/2000” (“*Rheoliad y Comisiwn (EC) Rhif 1623/2000*”) means Commission Regulation (EC) No. 1623/2000(12) laying down detailed rules for implementing 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. 1774/2004(13), and the reference in Part I of Schedule 2 to “Regulation 1623/2000” is to be construed accordingly;”;

“Commission Regulation (EC) No. 883/2001” (“*Rheoliad y Comisiwn (EC) 883/2001*”) means Commission Regulation (EC) No. 883/2001(14) laying down detailed rules for implementing Council Regulation (EC) No. 1493/1999 as regards trade with third countries in products in the wine sector, as last amended by

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(6) OJ No. L 179, 14.7.99, p.1.  
 (7) OJ No. L 262, 14.10.2003, p.13.  
 (8) OJ No. L 272, 3.10.90, p.1.  
 (9) OJ No. L 56, 2.3.2005, p.3.  
 (10) OJ No. L 194, 31.7.2000, p.1.  
 (11) OJ No. L 263, 10.8.2004, p.7.  
 (12) OJ No. L 194, 31.7.2000, p.45.  
 (13) OJ No. L 316, 15.10.2004, p.61.  
 (14) OJ No. L 128, 10.5.2001, p.1.

Commission Regulation (EC) No. 908/2004<sup>(15)</sup>, and the reference in Part V of Schedule 2 to “Regulation 883/2001” is to be construed accordingly;”;

““Commission Regulation (EC) No. 884/2001” (“*Rheoliad y Comisiwn (EC) Rhif 884/2001*”) means Commission Regulation (EC) No. 884/2001<sup>(16)</sup> 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) No. 908/2004, and the reference in Part I of Schedule 2 to “Regulation 884/2001” is to be construed accordingly;”;

““Commission Regulation (EC) No. 753/2002” (“*Rheoliad y Comisiwn (EC) Rhif 753/2002*”) means Commission Regulation (EC) No. 753/2002<sup>(17)</sup> 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, as last amended by Commission Regulation (EC) No. 1991/2004<sup>(18)</sup>;”;

““Council Regulation (EEC) No. 2392/86” (“*Rheoliad y Cyngor (EEC) Rhif 2392/86*”) means Council Regulation (EEC) No. 2392/86<sup>(19)</sup> establishing a Community vineyard register, as last amended by Council Regulation (EC) No. 1631/98<sup>(20)</sup>, and the reference in Part VII of Schedule 2 to “Regulation 2392/86” is to be construed accordingly;”.

(6) In regulation 3(5), omit the words “the Wine Standards Board or”.

(7) Substitute regulation 10 with the following regulation—

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

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

(4) Where a regulation 8 notice or regulation 9 refusal is sent by post in a properly addressed, pre-paid envelope then, unless the contrary is proved, the notice or refusal, as the case may be, is deemed to have been received on the next working day where it is sent by first class post and on the next but one working day where it is sent by second class 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 and the Agency an opportunity to make representations on the matter; and

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(15) OJ No. L 163, 30.4.2004, p.56.

(16) OJ No. L 128, 10.5.2001, p.32.

(17) OJ No. L 118, 4.5.2002, p.1.

(18) OJ No. L 344, 20.11.2004, p.9.

(19) OJ No. L 208, 31.7.86, p.1.

(20) OJ No. L 210, 28.7.98, p.14.

- (c) the person nominated must, within 1 month of being nominated, decide whether the regulation 8 notice or regulation 9 refusal should stand and must notify the applicant and the Agency of his or her decision.
- (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.”
- (8) Substitute the Schedule set out in Schedule 1 to these Regulations for Schedule 1.
- (9) In Schedule 2—
- (a) the items set out in Part 1 of Schedule 2 to these Regulations are substituted for items 1 and 2 of the table set out in Part III of Schedule 2;
- (b) the item set out in Part 2 of Schedule 2 to these Regulations is substituted for item 12 of the table set out in Part V of Schedule 2; and
- (c) the number “1999” is substituted for the number “2000” in the first column of item 12 of the table set out in Part V of Schedule 2.
- (10) The following entries are inserted in Schedule 3 in their appropriate alphabetical places—

“Gamay	Black
Gewurztraminer	White”

### **Transitional provisions**

3.—(1) Anything done by or in relation to the Wine Standards Board in the exercise of its functions under the 2001 Regulations before the coming into force of these Regulations has effect as if done by or in relation to the Food Standards Agency.

(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 2001 Regulations may be continued by or in relation to the Food Standards Agency.

(3) Any reference to the Wine Standards Board in any document relating to anything to which paragraph (1) or (2) applies, so far as necessary for giving effect to those provisions, is to be construed as a reference to the Food Standards Agency.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(21)

28 June 2006

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

## SCHEDULE 1

Regulation 2(8)

## THE SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 1

## “SCHEDULE 1

Regulation 2(1)

## COMMUNITY PROVISIONS

Measures containing Community Provisions	Official Journal of the European Communities: Reference
1. Council Regulation (EEC) No. 357/79 on statistical surveys of areas under vines, as last amended by Council Regulation (EC) No. 2329/98 (OJ No. L 291, 30.10.98, p.2 )	OJ 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	OJ No. L 179, 11.7.85, p.21
3. Council Regulation (EEC) No. 3805/85 adapting, on account of the accession of Spain and Portugal, certain Regulations relating to the wine sector	OJ No. L 367, 31.12.85, p.39
4. Council Regulation (EEC) No. 2392/86	OJ 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 (OJ No. L 116, 28.4.89, p.20)	OJ No. L 62, 5.3.87, p.10
6. Commission Regulation (EEC) No. 2676/90	OJ No. L 272, 3.10.90, p.1
7. Council Regulation (EEC) No. 1601/91 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails, as last amended by Regulation (EC) No. 2061/96 of the European Parliament and of the Council (OJ No. L 277, 30.10.96, p.1)	OJ 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	OJ 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	OJ No. L 337, 31.12.93, p.11

Measures containing Community Provisions	Official Journal of the European Communities: Reference
Bulgaria on the reciprocal protection and control of wine names	
<p><b>10.</b> Council Decision <a href="#">93/723/EC</a> concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines</p>	OJ No. L 337, 31.12.93, p.83
<p><b>11.</b> Council Decision <a href="#">93/726/EC</a> concerning the conclusion of an Agreement between the European Community and Romania on the reciprocal protection and control of wine names</p>	OJ No. L 337, 31.12.93, p.177
<p><b>12.</b> Commission Regulation <a href="#">(EC) No. 122/94</a> laying down certain detailed rules for the application of Council Regulation <a href="#">(EEC) No. 1601/91</a> on the definition, description and presentation of aromatized wines, aromatized wine-based drinks, and aromatized wine-product cocktails</p>	OJ No. L 21, 26.1.94, p.7
<p><b>13.</b> Council Decision <a href="#">94/184/EC</a> concerning the conclusion of an Agreement between the European Community and Australia on trade in wine</p>	OJ No. L 86, 31.3.94, p.1
<p><b>14.</b> Council Regulation <a href="#">(EC) No. 1493/1999</a></p>	OJ No. L 179, 14.7.1999, p.1
<p><b>15.</b> Commission Regulation <a href="#">(EC) No. 1227/2000</a> laying down detailed rules for the application of Council Regulation <a href="#">(EC) No. 1493/1999</a> on the common organisation of the market in wine, as regards production potential, as last amended by Commission Regulation <a href="#">(EC) No. 1389/2004</a> (OJ No. L 255, 31.7.2004, p.7)</p>	OJ No. L 143, 16.6.2000, p.1
<p><b>16.</b> Commission Regulation <a href="#">(EC) No. 1607/2000</a> laying down detailed rules for implementing Regulation <a href="#">(EC) No. 1493/1999</a> on the common organisation of the market in wine, in particular the Title relating to quality wine produced in specified regions</p>	OJ No. L 185, 25.7.2000, p.17
<p><b>17.</b> Commission Regulation <a href="#">(EC) No. 1622/2000</a></p>	OJ No. L 194, 31.7.2000, p.1
<p><b>18.</b> Commission Regulation <a href="#">(EC) No. 1623/2000</a></p>	OJ No. L 194, 31.7.2000, p.45
<p><b>19.</b> Commission Regulation <a href="#">(EC) No. 2729/2000</a> laying down detailed implementing rules on controls in the wine sector, as amended by Commission Regulation</p>	OJ No. L 316, 15.12.2000, p.16

Measures containing Community Provisions	Official Journal of the European Communities: Reference
<a href="#">(EC) No. 2120/2004</a> (OJ No. L 367, 14.12.2004, p.11)	
<b>20.</b> Council Regulation <a href="#">(EC) No. 678/2001</a> 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 <a href="#">(EC) No. 933/95</a>	OJ No. L 94, 4.4.2001, p.1
<b>21.</b> Commission Regulation <a href="#">(EC) No. 883/2001</a>	OJ No. L 128, 10.5.2001, p.1
<b>22.</b> Commission Regulation <a href="#">(EC) No. 884/2001</a>	OJ No. L 128, 10.5.2001, p.32
<b>23.</b> Council Regulation <a href="#">(EC) No. 1037/2001</a> authorising the offer and delivery for direct human consumption of certain imported wines which have undergone oenological processes not provided for in Regulation <a href="#">(EC) No. 1493/1999</a> , as last amended by Council Regulation <a href="#">(EC) No. 2324/2003</a> (OJ No. L 345, 31.12.2003, p.24)	OJ No. L 145, 31.5.2001, p.12
<b>24.</b> Commission Regulation <a href="#">(EC) No. 1282/2001</a> laying down detailed rules for the application of Council Regulation <a href="#">(EC) No. 1493/1999</a> as regards the gathering of information to identify wine products and to monitor the wine market and amending Regulation <a href="#">(EC) No. 1623/2000</a>	OJ No. L 176, 29.6.2001, p.14
<b>25.</b> Commission Regulation <a href="#">(EC) No. 2597/2001</a> 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 <a href="#">(EC) No. 2088/2004</a> (OJ No. L 361, 8.12.2004, p.3)	OJ No. L 345, 29.12.2001, p.35
<b>26.</b> Council Decision <a href="#">2002/51/EC</a> on the conclusion of an Agreement between the European Community and the Republic of South Africa on trade in wine	OJ No. L 28, 30.1.2002, p.3
<b>27.</b> Council and Commission Decision <a href="#">2002/309/EC</a> as regards the Agreement on Scientific and Technological cooperation of 4 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	OJ No. L 114, 30.4.2002, p.1

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Measures containing Community Provisions	Official Journal of the European Communities: Reference
in the Agreement between the European Community and the Swiss Confederation on Trade in Agricultural Products	
<p><b>28.</b> Commission Regulation (EC) No. 753/2002</p>	<p>OJ No. L 118, 4.5.2002, p.1</p>
<p><b>29.</b> 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</p>	<p>OJ No. L 352, 30.12.2002, p.1</p>
<p><b>30.</b> 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 (OJ No. L 358, 3.12.2004, p.1)</p>	<p>OJ No. L 78, 25.3.2003, p.1</p>
<p><b>31.</b> Commission Regulation (EC) No. 2303/2003 on specific labelling rules for wines imported from the United States of America</p>	<p>OJ No. L 342, 30.12.2003, p.5</p>
<p><b>32.</b> Commission Decision 2004/91/EC on the conclusion of the agreement between the European Community and Canada on trade in wines and spirit drinks</p>	<p>OJ No. L 35, 6.2.2004, p.1</p>
<p><b>33.</b> Commission Regulation (EC) No. 709/2004 laying down transitional measures in the wine sector as a result of Malta joining the European Union</p>	<p>OJ No. L 111, 17.4.2004, p.21”</p>



## SCHEDULE 2

Regulation 2(9)

## ITEMS TO BE SUBSTITUTED IN SCHEDULE 2

## PART 1

## Items to be substituted in Part III of Schedule 2

“1. Council Regulation (EC) No. 1493/1999: Articles 48 and 49 and Annex VII	Commission Regulation (EC) No. 753/2002: all Articles except insofar as they relate to sparkling wines	General rules and particular requirements relating to the description, designation, presentation and protection of certain products other than sparkling wines
2. Council Regulation (EC) No. 1493/1999: Articles 48 and 49 and Annex VIII	Commission Regulation (EC) No. 753/2002: all Articles insofar as they relate to sparkling wines	General rules and particular requirements relating to the description, designation, presentation and protection of sparkling wines”

## PART 2

## ITEM TO BE SUBSTITUTED IN PART V OF SCHEDULE 2

“12. Council Regulation (EC) No. 1493/1999: Article 46(3)	Commission Regulation (EEC) No. 2676/90	Community methods for the analysis of wines”
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**EXPLANATORY NOTE***(This note is not part of the Regulations)*

These Regulations further amend the Common Agricultural Policy (Wine) (Wales) Regulations 2001 (“the 2001 Regulations”), which provide for the enforcement in Wales of European Community Regulations concerned with the production and marketing of wine and related products.

These Regulations—

- (a) replace references to the Wine Standards Board with references to the Food Standards Agency (regulation 2(1) to (3)) thereby making the Food Standards Agency responsible for the enforcement functions under the 2001 Regulations that were previously the responsibility of the Wine Standards Board;

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- (b) make other consequential amendments arising as a result of the changes made in relation to those enforcement functions (regulation 2(4) and (6));
- (c) update the definition of “the Commissioners” in regulation 2(1) of the 2001 Regulations following the vesting of functions previously exercisable by the Commissioners of Customs and Excise in the Commissioners for Revenue and Customs (regulation 2(5)(a));
- (d) update references to European Community legislation by making changes to the definitions in the 2001 Regulations (regulation 2(5)(b) and (c)), substituting a new Schedule 1 to the 2001 Regulations (regulation 2(7) and Schedule 1) and updating Parts III and Part V of Schedule 2 to the 2001 Regulations (regulation 2(8)(a) and (b) and Schedule 2);
- (e) put in place a different procedure for the review of prohibitions etc on the movement of wine-sector products (regulation 2(7));
- (f) correct an error in item 12 of the table set out in Part V of Schedule 2 to the 2001 Regulations (regulation 2(8)(c));
- (g) add Gamay and Gewurztraminer to the list of vine varieties that may be used in the production of wines in Wales (regulation 2(9)); and
- (h) contain transitional provisions (regulation 3).