

## EXPLANATORY MEMORANDUM

### The Wine Regulations (Northern Ireland) 2009

#### 2009 No. 354

1. The Department of Agriculture and Rural Development, in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972, and of every other power enabling it in that behalf, makes the above-named Regulations which are subject to negative resolution.

2. **Description**

2.1 These Regulations revoke and replace the Common Agricultural Policy (Wine) (England and Northern Ireland) Regulations 2001, as amended, in so far as those Regulations apply in Northern Ireland.

The Regulations reflect those changes in the Community wine regime coming into force on 1 August 2008 by—

Council Regulation (EC) No 479/2008 on the common organisation of the market in wine; and

Commission Regulation (EC) No 555/2008 laying down detailed rules for implementing Council Regulation (EC) 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector (OJ No. L170, 30.6.2008, p.1).

The main change is that restrictions on the types of vine that may be used for wine-making are reduced.

These Regulations enforce the Community provisions set out in regulation 2.

They make provision for the establishment of organoleptic panels for the assessment of wines.

They provide for enforcement mechanisms, including powers of inspectors to serve notices controlling movements of wines not complying with the Regulations.

They are enforced by the district council, the Food Standards Agency, the Department or Her Majesty's Revenue and Customs as set out in regulation 3.

Breach of these Regulations is an offence punishable—

- a) for obstruction of an authorised officer, with a fine not exceeding level 3 on the standard scale on summary conviction;
- b) for breach of the provisions in regulation 14(2), with a fine not exceeding level 4 on the standard scale on summary conviction;

- c) for all other provisions, a fine not exceeding the statutory maximum on summary conviction, or an unlimited fine for conviction on indictment.

**3. Matters of special interest to the Examiner of Statutory Rules**

3.1 none

**4. Legislative Background**

4.1 These Regulations revoke and replace the Common Agricultural Policy (Wine) (England and Northern Ireland) Regulations 2001, as amended, in so far as those Regulations apply in Northern Ireland.

**5. Consultation**

5.1 There were no responses to consultation in Northern Ireland.

**6. Territorial Extent and Application**

6.1 This Statutory Rule applies to Northern Ireland.

**7. European Convention on Human Rights**

7.1 The proposed legislation has been screened for these issues and none were identified.

**8. Equality Impact**

8.1 These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups.

**9. Regulatory Impact**

9.1 This instrument implements the first phase of the reform of the Community wine regime, a Regulatory Impact Assessment (RIA) for which can be viewed at [www.dardni.gov.uk](http://www.dardni.gov.uk).

**10. Financial Implications**

10.1 There are no financial implications.

## **11. Policy background**

11.1 These Regulations provide for enforcement mechanisms, including powers of inspectors to serve notices controlling movements of wines not complying with the Regulations. They are enforced by the district council, the Food Standards Agency, the Department or Her Majesty's Revenue and Customs as set out in regulation 3.

## **12. Impact**

12.1 These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups

## **13. Contact**

David Millar at the Department of Agriculture Tel: 02890 524477 or e-mail: [david.millar@dardni.gov.uk](mailto:david.millar@dardni.gov.uk) can answer any queries regarding the Statutory Rule.