

**2004 No. 272**

**AGRICULTURE**

**The Common Agricultural Policy (Wine) (Scotland)  
Amendment Regulations 2004**

|  |                      |
|--|----------------------|
| <i>Made</i> - - - -                        | <i>8th June 2004</i> |
| <i>Laid before the Scottish Parliament</i> | <i>9th June 2004</i> |
| <i>Coming into force</i> - -               | <i>5th July 2004</i> |

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Common Agricultural Policy (Wine) (Scotland) Amendment Regulations 2004, and shall come into force on 5th July 2004.

**Amendment of the principal Regulations**

2. The Common Agricultural Policy (Wine) (Scotland) Regulations 2002(b) are amended in accordance with regulations 3 to 8.

3. In regulation 2(1) (interpretation)–

(a) for the definition of “Community provision” substitute–

““Community provision” means any provision of the Regulations and Decisions of the European Communities which are listed in Schedule 6 including any amendments made to any of those provisions by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(c) signed on 16th April 2003;” and

(b) omit the following definitions:–

- (i) “Commission Regulation 3388/81”;
- (ii) “Commission Regulation 3201/90”;
- (iii) “Commission Regulation 554/95”.

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(a) 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.

(b) S.S.I. 2002/325, amended by S.S.I. 2003/164.

(c) O.J. No. L 236, 23.9.2003, p.33.

4. In regulation 8 (control on movement)–
  - (a) in paragraph (2) for “either in writing or in electronic form” substitute “in writing”; and
  - (b) in paragraph 2(b) for “which may be given in writing or in electronic form” substitute “in writing”.
5. Schedule 1 is omitted.
6. Schedule 3 is omitted.
7. For Schedule 6 substitute the Schedule set out in Schedule 1 to these Regulations.
8. For items 1 and 2 of the table set out in Part II of Schedule 9 substitute the items set out in Schedule 2 to these Regulations.

Pentland House,  
Edinburgh  
8th June 2004

*ROSS FINNIE*  
A member of the Scottish Executive

## SCHEDULE 1

Regulation 7

## “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 (EEC) No. 357/79 on statistical surveys of areas under vines, as last amended by Council Regulation (EC) No. 2329/98 (O.J. No. L 291, 30.10.98, p.2)   | 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 and Portugal, certain Regulations relating to the wine sector   | O.J. No. L 367, 31.12.85, p.39                                 |
| 4. Council Regulation (EEC) No. 2392/86(a) establishing a Community vineyard register, as last amended by Council Regulation (EC) No. 1631/98 (O.J. No. L 210, 28.7.98, p.14)                                      | 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 (EEC) No. 2676/90 determining Community methods for the analysis of wines as last amended by Commission Regulation (EC) No. 128/2004 (O.J. No. L 19, 27.01.04, p.3)                       | O.J. No. L 272, 3.10.90, p.1                                   |

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(a) See also the Agreement on the European Economic Area, Protocols 1 (O.J. No. L 1, 3.1.94, p.37) and 47 (O.J. No. L 1, 3.1.94, p.210).

| <i>Measures containing Community provisions</i>   | <i>Official Journal of the European Communities: Reference</i> |
|---|--|
| 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 (O.J. No. L 277, 30.10.96, p.1) | 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 93/723/EC concerning the conclusion of an Agreement between the European Community and Hungary on the reciprocal establishment of tariff quotas for certain wines  | O.J. No. L 337, 31.12.93, p.83                                 |
| 11. 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                                |
| 12. 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                                    |
| 13. 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                                    |
| 14. Council Regulation (EC) No. 1493/1999 on the common organisation of the market in wine as last amended by Council Regulation (EC) No. 2585/2001 (O.J. No. L 345, 29.12.01, p.10)  | O.J. No. L 179, 14.7.99, p.1                                   |

| <i>Measures containing Community provisions</i>   | <i>Official Journal of the European Communities: Reference</i> |
|---|--|
| 15. 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, as last amended by Commission Regulation (EC) No. 1203/2003 (O.J. No. L 168, 5.7.03, p.9)                                   | O.J. No. L 143, 16.6.00, p.1                                   |
| 16. 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   | O.J. No. L 185, 25.7.00, p.17                                  |
| 17. Commission Regulation (EC) No. 1622/2000 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. 1410/2003 (O.J. No. L 201, 8.8.03, p.9) | O.J. No. L 194, 31.7.00, p.1                                   |
| 18. Commission Regulation (EC) No. 1623/2000 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. 1710/2003 (O.J. No. L 243, 27.9.03, p.98)   | O.J. No. L 194, 31.7.00, p.45                                  |
| 19. Commission Regulation (EC) No. 2729/2000 laying down detailed implementing rules on controls in the wine sector   | O.J. No. L 316, 15.12.00, p.16                                 |
| 20. 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                                     |

| <i>Measures containing Community provisions</i>  | <i>Official Journal of the European Communities: Reference</i> |
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| 21. 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, as last amended by Commission Regulation (EC) No. 2338/2003 (O.J. No. L 346, 31.12.03, p.28)                           | O.J. No. L 128, 10.5.01, p.1                                   |
| 22. 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, as last amended by Commission Regulation (EC) No. 1782/2002 (O.J. No. L 270, 8.10.02, p.4)                        | O.J. No. L 128, 10.5.01, p.32                                  |
| 23. 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, 31.12.03, p.24) | O.J. No. L 145, 31.5.01, p.12                                  |
| 24. 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                                  |
| 25. 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  | O.J. No. L 345, 29.12.01, p.35                                 |
| 26. 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                                    |

| <i>Measures containing Community provisions</i>   | <i>Official Journal of the European Communities: Reference</i> |
|---|--|
| 27. Council and Commission Decision 2002/309/EC as regards the agreement on scientific and technological co-operation of 4th April 2002 on the conclusion of seven Agreements with the Swiss Confederation, specifically 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                                   |
| 28. 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 as last amended by Commission Regulation (EC) No. 316/2004 (O.J. No. L 55, 24.2.04, p.16)   | O.J. No. L 118, 4.5.02, 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. 1776/2003 (O.J. No. L 260, 11.10.03, 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   | O.J. No. L 342, 30.12.03, p.5                                  |
| 32. Commission Decision 2004/91/EC on the conclusion of the agreement between the European Community and Canada on trade in wines and spirit drinks   | O.J. No. L 35, 6.2.04, p.1.”                                   |

## SCHEDULE 2

Regulation 8

### ITEMS TO BE SUBSTITUTED IN PART II OF SCHEDULE 9

|   |   |  |
|---|---|--|
| <p>“1. Council Regulation 1493/1999: Articles 48 and 49 and Annex VII</p> | <p>Commission Regulation (EC) No. 753/2002 as last amended by Commission Regulation (EC) No. 316/2004 (O.J. No. L55, 24.2.04, p.16).</p> <p>All Articles except, insofar as they relate to sparkling wines, Articles 41 to 46.</p>            | <p>General rules and particular requirements relating to the description, designation presentation and protection of certain products other than sparkling wines</p> |
| <p>2. Council Regulation 1493/1999: Articles 48 and 49 and Annex VIII</p> | <p>Commission Regulation (EC) No. 753/2002 as last amended by Commission Regulation (EC) No. 316/2004 (O.J. No. L55, 24.2.04, p.16).</p> <p>All Articles except insofar as they relate to aerated semi-sparkling wine, Articles 41 to 46.</p> | <p>General rules and particular requirements relating to the description, designation presentation and protection of sparkling wines.”</p>                           |



## **EXPLANATORY NOTE**

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

These Regulations further amend the Common Agricultural Policy (Wine) (Scotland) Regulations 2002 as amended (“the principal Regulations”), which provide for the enforcement of European Community Regulations concerned with the production and marketing of wine and related products.

These Regulations amend the principal Regulations—

- (a) by amending the definition of “community provision” to take account of EU enlargement and deleting certain definitions which are now obsolete due to the repeal of the community provisions in question (regulations 3, 5 and 6);
- (b) by removing the right of an authorised officer to serve a movement control notice or consent to the movement of wine sector products in relation to which such notice has been served in electronic form (regulation 4);
- (c) by updating references to European Community legislation by substituting a new Schedule 6 to the principal Regulations and updating Part II of Schedule 9 (regulations 7 and 8.)

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





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