

STATUTORY INSTRUMENTS

1979 No. 1094

AGRICULTURE

**The Common Agricultural Policy (Wine)
Regulations 1979**

Made - - - - 29th August 1979
Laid before Parliament 10th September 1979
Coming into Operation 1st October 1979

The Minister of Agriculture, Fisheries and Food and the Secretary of State^(a), acting jointly in exercise of the powers conferred upon them by section 2(2) of the European Communities Act 1972 and of 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) Regulations 1979, and shall come into operation on 1st October 1979.

Interpretation and revocation

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

“Community provision” means any provision of any regulation of the European Communities which is referred to in Schedule 1 to these regulations;

“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 and, in relation to Scotland, Northern Ireland and Wales, the Secretary of State;

“relevant Community provision” means any Community provision referred to in column 1 or 2 of Part I, II, III, IV, V or VI of Schedule 2 to these regulations, being a provision of a regulation of the European Communities of which the full title and reference are set out in Schedule 1 to these regulations;

“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 for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business.

(a) Being Ministers designated for the purposes of section 2(2) of the European Communities Act 1972 (c. 68) in relation to the common agricultural policy of the Economic Community by the European Communities (Designation) Order 1972 (S.I. 1972/1811).

(2) Any reference to a relevant Community provision in column 1 of Part I, II, III, IV, V or VI of Schedule 2 to these regulations is a reference to such provision as supplemented by or otherwise read with the relevant Community provisions referred to in column 2 of that Part and described in column 3 of that Part.

(3) The Common Agricultural Policy (Wine) Regulations 1978(a) are hereby revoked.

Enforcement

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

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

(3) 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 other than the retail sale of wine:

Provided that the Wine Standards Board shall not have authority to institute proceedings for an offence against a relevant Community provision.

(4) Nothing in this regulation shall be taken as authorising in Scotland the Minister or a local authority to institute proceedings for an offence against a relevant Community provision.

(5) In this regulation—

(a) “local authority” means—

- (i) as respects England and Wales, a food and drugs authority for the purposes of the Food and Drugs Act 1955(b);
- (ii) as respects Scotland, a regional or islands council which is the enforcement authority for the purposes of sections 1, 2, 6 and 18 of the Food and Drugs (Scotland) Act 1956(c);
- (iii) as respects Northern Ireland, a district council for the purposes of section 29 of the Food and Drugs Act (Northern Ireland) 1958(d);

(b) “the Wine Standards Board” means the Wine Standards Board of the Vintners’ Company.

(6) The provisions of this regulation are without prejudice to the duties of such local authorities under the provisions of the respective Acts referred to in paragraph (5) of this regulation.

Exemptions from Community labelling provisions

4. The provisions of Council Regulation (EEC) No. 355/79 relating to information required on labels of the products mentioned in Article 1 thereof shall not apply to:—

(a) S.I. 1978/861.

(b) 1955 c. 16 (4 & 5 Eliz. 2).

(c) 1956 c. 30.

(d) 1958 c. 27 (N.I.).

- (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 authority area;
- (b) unlabelled quantities of grape musts and wines not exceeding 15 litres per batch and not intended for sale;
- (c) quantities of grape musts and wines intended for the domestic consumption of the producer and his employees.

Offences and Penalty

5. If any person contravenes or fails to comply with a relevant Community provision, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding four hundred pounds.

Defences

6.—(1) In England and Wales, sections 113 (which relates to a contravention due to some person other than the person charged) and 115 (which relates to the conditions under which a warranty may be pleaded as a defence) of the Food and Drugs Act 1955 shall apply for the purposes of these regulations as if references therein to proceedings taken or brought under that Act included references to proceedings taken or brought for an offence under these regulations.

(2) In Scotland, sections 45 (which relates to a contravention due to default of some other person) and 46 (which relates to conditions under which a warranty may be pleaded as a defence) of the Food and Drugs (Scotland) Act 1956 shall apply for the purposes of these regulations as if references therein to proceedings taken or brought under that Act included references to proceedings taken or brought for an offence under these regulations and as if references therein to a contravention of a provision of that Act included references to a contravention of a relevant Community provision.

(3) In Northern Ireland, sections 51 (which relates to a contravention due to some person other than the person charged) and 52 (which relates to the conditions under which a warranty may be pleaded as a defence) of the Food and Drugs Act (Northern Ireland) 1958 shall apply for the purposes of these regulations as if references therein to proceedings taken or brought under that Act included references to proceedings taken or brought for an offence under these regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st August 1979.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

29th August 1979.

George Younger,
Secretary of State.

SCHEDULE 1

Regulation 2(1)

COMMUNITY PROVISIONS

Regulations containing Community provisions	Official Journal of the European Communities: References
1. Commission Regulation (EEC) No 134 of 25 October 1962 on the declaration of wine harvests and stocks	OJ No 111, 6.11.62, p 2604/62 (OJ/SE 1959/62 p 276)
2. Commission Regulation (EEC) No 1136/70 amending Regulation No. 134 on the declaration of wine harvests and stocks	OJ No L134, 19.6.70, p 4 (OJ/SE 1970 (II) p 381)
3. Commission Regulation (EEC) No 1594/70 on the notification, carrying out and control of the processes of enriching, acidifying and deacidifying wine	OJ No L173, 6.8.70, p 23 (OJ/SE 1970 (II) p 558)
4. 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)
5. Commission Regulation (EEC) No 1697/70 on the down-grading of quality wines produced in specified regions	OJ No L190, 26.8.70, p 2 (OJ/SE 1970 (II), p 577)
6. Commission Regulation (EEC) No 2247/73 on the control of quality wines produced in specified regions	OJ No L230, 18.8.73, p 12 (1973 Vol 16)
7. Commission Regulation (EEC) No 2805/73 determining a list of white quality wines, produced in specified regions and of imported white quality wines containing a certain percentage of sulphur dioxide and laying down certain transitional provisions relating to the percentage of sulphur dioxide in wines produced before 1 October 1973	OJ No L289, 16.10.73, p 21 (1973 Vol 16)
8. Commission Regulation (EEC) No 1153/75 prescribing the form of the accompanying documents for wine products and specifying the obligations of wine producers and traders other than retailers	OJ No L113, 1.5.75, p 1 (1975 Vol 18)
9. Commission Regulation (EEC) No 2152/75 on detailed rules for the application of Regulations (EEC) Nos 358/79 and 338/79 in respect of sparkling wines (a)	OJ No L219, 19.8.75, p 7 (1975 Vol 18)

- (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 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 Regulations (EEC) Nos. 358/79 and 338/79 respectively.

Regulations containing Community provisions	Official Journal of the European Communities: References
10. Commission Regulation (EEC) No 2160/75 amending Regulation (EEC) No 2805/73 as regards the list of white quality wines produced in specified regions and of imported white quality wines containing a certain percentage of sulphur dioxide	OJ No L220, 20.8.75, p 7 (1975 Vol 18)
11. Commission Regulation (EEC) No 1455/76 amending for the third time Regulation (EEC) No 2805/73 as regards the maximum sulphur dioxide content of certain white quality wines	OJ No L163, 24.6.76, p 12 (1976 Vol 19)
12. Commission Regulation (EEC) No 1608/76 laying down detailed rules for the description and presentation of wines and grape musts	OJ No L183, 8.7.76, p 1 (1976 Vol 19)
13. Commission Regulation (EEC) No 2115/76 laying down detailed rules for the import of wines, grape juice and grape must	OJ No L237, 28.8.76, p 1 (1976 Vol 19)
14. Commission Regulation (EEC) No 2417/76 amending Regulation (EEC) No 2115/76 laying down detailed rules for the import of wines, grape juice and grape must	OJ No L273, 6.10.76, p 8 (1976 Vol 19)
15. Commission Regulation (EEC) No 2951/76 amending for the second time Regulation (EEC) No 2115/76 laying down general rules for the import of wines, grape juice and grape must	OJ No L335, 4.12.76, p 25 (1976 Vol 19)
16. 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	OJ No L81, 30.3.77, p 7 (1977 Vol 20)
17. Commission Regulation (EEC) No 966/77 amending for the fourth time Regulation (EEC) No 2805/73 as regards the maximum sulphur dioxide content of certain white quality wines	OJ No L115, 6.5.77, p 7 (1977 Vol 20)
18. Commission Regulation (EEC) No 1054/77 amending Regulation (EEC) No 1608/76 laying down detailed rules for the description and presentation of wines and grape musts	OJ No L130, 25.5.77, p 1 (1977 Vol 20)
19. Commission Regulation (EEC) No 1802/77 amending for the second time Regulation (EEC) No 1608/76 laying down detailed rules for the description and presentation of wines and grape musts	OJ No L198, 5.8.77, p 12 (1977 Vol 20)

Regulations containing Community provisions	Official Journal of the European Communities: References
20. Commission Regulation (EEC) No 2617/77 amending Regulation (EEC) No 1153/75 prescribing the form of the accompanying documents for wine products and specifying the obligations of wine producers and traders other than retailers	OJ No L304, 29.11.77, p 33 (1977 Vol 20)
21. Commission Regulation (EEC) No 793/78 amending for the third time Regulation (EEC) No 1608/76 laying down detailed rules for the description and presentation of wines and grape musts	OJ No L109, 22.4.78, p 1 (1978 Vol 21)
22. Commission Regulation (EEC) No 1730/78 amending for the fourth time Regulation (EEC) No 1608/76 laying down detailed rules for the description and presentation of wines and grape musts	OJ No L201, 25.7.78, p 29 (1978 Vol 21)
23. Commission Regulation (EEC) No 1972/78 laying down detailed rules on oenological practices	OJ No L226, 17.8.78, p 11 (1978 Vol 21)
24. Commission Regulation (EEC) No 2444/78 authorising the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the United Kingdom to permit under certain conditions an additional increase in the alcoholic strength of certain wines and certain products intended for wine-making	OJ No L295, 20.10.78, p 21 (1978 Vol 21)
25. Commission Regulation (EEC) No 2822/78 establishing the list of authorised vine varieties which may be used for new plantings and replantings under Regulation (EEC) No 348/79 and establishing other detailed rules for the application of that Regulation (a)	OJ No L334, 1.12.78, p 76 (1978 Vol 21)
26. Council Regulation (EEC) No 337/79 on the common organisation of the market in wine	OJ No L54, 5.3.79, p 1 (1979 Vol 22)
27. Council Regulation (EEC) No 338/79 laying down special provisions relating to quality wines produced in specified regions	OJ No L54, 5.3.79, p 48 (1979 Vol 22)
28. Council Regulation (EEC) No 348/79 on measures designed to adjust wine-growing potential to market requirements	OJ No L54, 5.3.79, p 81 (1979 Vol 22)

(a) The title of this regulation as published in the edition of the Official Journal referred to is Commission Regulation (EEC) No. 2822/78 establishing the list of authorized vine varieties which may be used for new plantings and replantings under Regulation (EEC) No. 1162/76 and establishing other detailed rules for the application of that regulation. Regulation (EEC) No. 1162/76 has been superseded by Regulation (EEC) No. 348/79.

Regulations containing Community provisions	Official Journal of the European Communities: References
29. Council Regulation (EEC) No 351/79 concerning the addition of alcohol to products in the wine sector	OJ No L54, 5.3.79, p 90 (1979 Vol 22)
30. Council Regulation (EEC) No 352/79 authorising the coupage of German red wines with imported red wines	OJ No L54, 5.3.79, p 93 (1979 Vol 22)
31. Council Regulation (EEC) No 353/79 laying down the conditions for coupage and wine making in the free zones on Community territory for wine products originating in third countries	OJ No L54, 5.3.79, p 94 (1979 Vol 22)
32. Council Regulation (EEC) No 354/79 laying down general rules for the import of wines, grape juice and grape must	OJ No L54, 5.3.79, p 97 (1979 Vol 22)
33. Council Regulation (EEC) No 355/79 laying down general rules for the description and presentation of wines and grape musts	OJ No L54, 5.3.79, p 99 (1979 Vol 22)
34. Council Regulation (EEC) No 358/79 on sparkling wines produced in the Community and defined in item 13 of Annex II to Regulation (EEC) No 337/79	OJ No L54, 5.3.79, p 130 (1979 Vol 22)

SCHEDULE 2

Regulation 2(1)

RELEVANT COMMUNITY PROVISIONS

PART I

PRODUCTION AND CONTROL OF PLANTING

Column 1	Column 2	Column 3
Relevant Community provisions	Supplementing provisions	Subject matter
1. Regulation 337/79: article 28(1), (2) and (3)	Regulation 134 of 1962: articles 2, 5 and 6, as amended by regula- tion 1136/70: articles 2 and 3	Stock declarations
2. Regulation 348/79: article 3	Regulation 2822/78: article 1	Restriction on re-planting

PART II

OENOLOGICAL PROCESSES AND CONDITIONS FOR RELEASE TO THE MARKET

Column 1	Column 2	Column 3
Relevant Community provisions	Supplementing provisions	Subject matter
1. Regulation 337/79: articles 32(1) and (2) and 33(1) to (7)	Regulation 1594/70: article 3(2) and (3), as amended by annex I to the act annexed to the treaty relating to the accession of the United Kingdom to the European Eco- nomic Community and the European Atomic Energy Com- munity, signed at Brussels on the 22nd January 1972 and Regulation 2444/78: article 1(4)	Conditions for increas- ing alcoholic strength
2. Regulation 337/79: article 34(1)	Regulation 1594/70: article 4	Conditions for deacidi- fication of wine
3. Regulation 337/79: article 35(1) and (2)		Conditions for sweetening table wines and imported wines

Column 1	Column 2	Column 3
Relevant Community provisions	Supplementing provisions	Subject matter
4. Regulation 1618/70: articles 1, 2, 3 and 4		Notifications and keeping of turnover records in relation to sweetening operations
5. Regulation 337/79: article 36(1) and (2)	Regulation 1594/70: articles 5, 6, 7 and 8	Conditions for carrying out authorised processes (including notification and keeping of register)
6. Regulation 337/79: article 38		Restriction on mixing certain products with products suitable for yielding table wine
7. Regulation 337/79: article 39(1)		Prohibition on the over-pressing of grapes and the pressing of wine lees
8. Regulation 337/79: article 42(1)	Regulation 351/79: articles 1, 2 and 3	Addition of alcohol
9. Regulation 337/79: article 43	Regulation 352/79: article 1	Permitted methods for the production of table wine by coupage
10. Regulation 353/79: article 4	Regulation 643/77: article 3	Description of wine produced in free zones of the Community
11. Regulation 337/79: article 44(1) and (2)	Regulation 2805/73: article 1, as amended by regulation 2160/75: article 1 and by regulation 1455/76: article 1 and by regulation 966/77: article 1	Maximum permissible sulphur dioxide content of wine
12. Regulation 337/79: articles 45, 46 and 47		Permitted oenological practices and processes
13. Regulation 337/79: article 48(2)		Products in CCT Heading No 22.05 that may be offered for direct consumption

Column 1	Column 2	Column 3
Relevant Community provisions	Supplementing provisions	Subject matter
14. Regulation 337/79: article 48(3) and (5)		Restrictions relating to certain wines and other products originating in the Community
15. Regulation 337/79: article 50(3)		Restrictions on the uses of products originating in third countries
16. Regulation 2115/76: article 7		Conditions for release for human consumption of products originating in third countries
17. Regulation 337/79: article 51(1)		General rules relating to release of wine products for human consumption
18. Regulation 1972/78: articles 1, 2 and 3		Restrictions relating to the holding of unfit wine and the use of certain oenological substances

PART III
ACCOMPANYING DOCUMENTS

Column 1	Column 2	Column 3
Relevant Community provisions	Supplementing provisions	Subject matter
1. Regulation 337/79: article 53(1) and (2)	Regulation 1153/75: all articles except 2, 4, 18, 22, 23, 25, 26, 27 and 28, as amended by regulation 2617/77: articles 1 and 2	Requirements relating to accompanying documents and turnover records
2. Regulation 337/79: article 50(1)	Regulation 354/79: article 1 and regulation 2115/76: articles 1, 2, 3, 4 and 6 as amended by regulation 2417/76: article 1 and by regulation 2951/76: article 1	Accompanying documents required for the importation of wines and other products

PART IV
QUALITY WINES PRODUCED IN SPECIFIED REGIONS

Column 1	Column 2	Column 3
Relevant Community provisions	Supplementing provisions	Subject matter
1. Regulation 338/79: article 16(1), (2), (4) and (5)	Regulation 2247/73: article 2	General provisions relating to the use of the expression "quality wine psr" and other expressions traditionally used in Member States to designate particular quality wines
2. Regulation 338/79: article 16(6) and regulation 1697/70: articles 3 and 4		Provisions relating to downgraded quality wine psr

PART V
DESCRIPTION AND PRESENTATION

Column 1	Column 2	Column 3
Relevant Community provisions	Supplementing provisions	Subject matter
1. Regulation 337/79: article 48 (1)		Use of the term "table wine"
2. Regulation 355/79: article 45	Regulation 1608/76: article 20, as amended by regulation 1054/77: article 1(16)	Use of the term "wine"
3. Regulation 355/79: all articles except 1, 2 (1) (b), 12(1) (c), 22(1) (c), 27(1) (b), 28(1) (b), 29(1) (c), 39, 47, 48 and 49	Regulation 1608/76: all articles except 3(1), 3(2), 20 and 22, as amended by regulation 1054/77: and by regulation 1802/77: articles 1, 2 and 3 and by regulation 793/78: article 1 and by regulation 1730/78: article 1	General rules and particular requirements relating to the description and presentation of wines and other products (except those relating to the indication of nominal volume)

PART VI
SPARKLING WINES

Column 1	Column 2	Column 3
Relevant Community provisions	Supplementing provisions	Subject matter
1. Regulation 358/79: articles 2, 4, 5(1), 5(2), 5(3), 5(4), 6(1), 6(2), 7(2), 8(1), 8(2), 10, 11, 12(1), 13, 14, 15, 16(1), 17(1), 17(2) and 18	Regulation 2152/75: article 1	Rules for preparation and marketing of sparkling wines
2. Regulation 338/79: article 16(3)		Restrictions on use of term "quality sparkling wine psr" and other traditionally equivalent specific terms

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which apply throughout the United Kingdom and come into operation on 1st October 1979, 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 re-enact with amendments the Common Agricultural Policy (Wine) Regulations 1978—

- (a) designate enforcement authorities (regulation 3);
- (b) exempt certain products from provisions relating to information required on labels (regulation 4);
- (c) prescribe offences and a penalty (regulation 5) and
- (d) provide for specified defences (regulation 6).

The regulations differ from the Common Agricultural Policy (Wine) Regulations 1978 in that—

- (i) they contain the exemption referred to in sub-paragraph (b) above, which implements a Community derogation provided in Article 1(3) of Council Regulation (EEC) No. 355/79 (OJ No L54, 5.4.79, p. 99);
- (ii) the list of Community Regulations and the list of provisions which can give rise to offences are brought up to date.

In Schedule 1 each Regulation is given the title which appears in the Official Journal, except in the case of a Commission Regulation implementing a Council Regulation that has been repealed and superseded. In such a case the title given refers to the superseding Regulation and the title in the Official Journal is given in a footnote.

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