
 STATUTORY INSTRUMENTS

1982 No. 578

AGRICULTURE

The Common Agricultural Policy (Wine) Regulations 1982

<i>Made - - - -</i>	<i>22nd April 1982</i>
<i>Laid before Parliament</i>	<i>30th April 1982</i>
<i>Coming into Operation</i>	<i>21st May 1982</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State (a), acting jointly in exercise of the powers conferred on 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:—

Title and commencement

1. These regulations may be cited as the Common Agricultural Policy (Wine) Regulations 1982 and shall come into operation on 21st May 1982.

Interpretation and revocation

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

“the Commissioners” means the Commissioners of Customs and Excise;

“Community provision” means any provision of any regulation of the European Communities which is referred to in Schedule 1 to these regulations, or of the treaty relating to the accession of the Hellenic Republic to the European Communities signed at Athens on 28th May 1979 (b);

“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 or Wales, the Secretary of State;

“relevant Community provision” means any Community provision referred to in Column 1 or Column 2 of Schedule 2 to these regulations, the subject matter of which is described in Column 3 thereof;

“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 in the course of his catering business or to a manufacturer in the course of his manufacturing business;

“United Kingdom” means Great Britain and Northern Ireland.

(2) The Common Agricultural Policy (Wine) Regulations 1979 (c) are hereby revoked.

(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).

(b) O.J. No: L291, 19.11.79, p.17.

(c) S.I. 1979/1094.

Enforcement

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

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

(3) The Minister, the Commissioners and the Wine Standards Board shall secure the enforcement and execution of the relevant Community provisions in so far as they relate to the importation and exportation of wine to or from the United Kingdom.

(4) 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 not mentioned in paragraphs (2) or (3) of this regulation.

(5) Nothing in this regulation shall be taken as authorising in the United Kingdom the Wine Standards Board or the Commissioners, or in relation to Scotland only, the Minister or a local authority, to institute proceedings for an offence.

(6) 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 (a) ;

(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 (b) ;

(iii) as respects Northern Ireland, a district council for the purposes of section 29 of the Food and Drugs Act (Northern Ireland) 1958 (c) ;

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

(7) 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 (6) of this regulation.

Exemptions from Community labelling provisions

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

(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) unlabelled quantities of grape musts and wines intended for the domestic consumption of the producer and his employees.

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

(b) 1956 c.30.

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

(d) O.J. No: L54, 5.3.79, p.99.

Offences and Penalties

5.—(1) If any person contravenes or fails to comply with any of the relevant Community provisions referred to in Column 1 or 2 of parts I, II or III of Schedule 2 to these regulations, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand pounds, or on conviction on indictment to a fine.

(2) If any person contravenes or fails to comply with any of the relevant Community provisions referred to in Column 1 or 2 of parts IV, V or VI of Schedule 2 to these regulations, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding four hundred pounds.

Defence

6. In any proceedings for an offence under these regulations, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

Disclosure of information

7. If any person discloses to any other person any information obtained by him in pursuance of his duties under the regulations, unless the disclosure is made in, or for the purposes of, the performance by him or any other person of any function under these regulations, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding four hundred pounds.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st April 1982.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries
and Food.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

22nd April 1982.

Regulation 2(1)

SCHEDULE 1

COMMUNITY PROVISIONS

Measures containing Community provisions	Official Journal of the European Communities: Reference
1. Commission Regulation (EEC) No: 134 of 25th October 1962 on the declaration of wine harvests and stocks, as amended by Commission Regulation (EEC) No: 1136/70 (O.J. No: L134, p.4) (O.J./S.E. 1970 (II) p.381)	O.J. No: 111, 6.11.62, p.2604/62 (O.J./S.E. 1959/62, p.276)
2. Commission Regulation (EEC) No: 1594/70 on the notification, carrying out and control of the processes of enriching, acidifying and deacidifying wine, as amended by Commission Regulation (EEC) No: 632/80 (O.J. No: L69, p.33) (1980 Vol. 23), and by Commission Regulation (EEC) No: 3235/81 (O.J. No: L325, p.23) (1981 Vol. 24)	O.J. No: L173, 6.8.70, p.23 (O.J./S.E. 1970 (II) p.558)
3. Commission Regulation (EEC) No: 1618/70 on measures for controlling the sweetening of table wines and of quality wines produced in specified regions	O.J. No: L175, 8.8.70, p.17 (O.J./SE 1970 (II) p.562)
4. Commission Regulation (EEC) No: 2247/73 on the control of quality wines produced in specified regions	O.J. No: L230, 18.8.73, p.12 (1973 Vol. 16)
5. 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 1st October 1973, as amended by Commission Regulation (EEC) No: 2160/75 (O.J. No: L220, p.7), (1975 Vol. 18), and by Commission Regulation (EEC) No: 1455/76 (O.J. No: L163, p.12) (1976 Vol. 19) and by Commission Regulation (EEC) No: 966/77 (O.J. No: L115, p.7) (1977 Vol. 20)	O.J. No: L289, 16.10.73, p.21 (1973 Vol. 16)
6. Commission Regulation (EEC) No: 1153/75 prescribing the form of accompanying documents for wine products and specifying the obligations of wine producers and traders other than retailers, as amended by Commission Regulation (EEC) No: 2617/77 (O.J. No: L304, p.33) (1977 Vol. 20) and by Commission Regulation (EEC) No: 3203/80 (O.J. No: L333, p.18) (1980 Vol. 23)	O.J. No: L113, 1.5.75, p.1 (1975 Vol. 18)

Measures containing Community provisions	Official Journal of the European Communities: Reference
7. 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)	O.J. No: L219, 19.8.75, p.7 (1975 Vol. 18)
8. Commission Regulation (EEC) No: 2115/76 laying down detailed rules for the import of wines, grape juice and grape must, as amended by Commission Regulation (EEC) No: 2417/76 (O.J. No: L273, p.8) (1976 Vol. 19), and by Commission Regulation (EEC) No: 2951/76 (O.J. No: L335, p.25) (1976 Vol. 19), and by Commission Regulation (EEC) No: 3203/80 (O.J. No: L333, p.18) (1980 Vol. 23), and by Commission Regulation (EEC) No: 3395/81 (O.J. No: L341, p.32) (1981 Vol. 24)	O.J. No: L237, 28.8.76, p.1 (1976 Vol. 19)
9. 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	O.J. No: L81, 30.3.77, p.7 (1977 Vol. 20)
10. Commission Regulation (EEC) No: 1972/78 laying down detailed rules on oenological practices, as amended by Commission Regulation (EEC) No: 45/80 (O.J. No: L7, p.18) (1980 Vol. 23)	O.J. No: L226, 17.8.78, p.11 (1978 Vol. 21)
11. 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	O.J. No: L295, 20.10.78, p.21 (1978 Vol. 21)
12. Council Regulation (EEC) No: 337/79 on the common organisation of the market in wine, as amended by Council Regulation (EEC) No: 453/80 (O.J. No: L57, p.1) (1980 Vol. 23), and by Council Regulation (EEC) No: 459/80 (O.J. No: L57, p.32) (1980 Vol. 23), and by Council Regulation (EEC) No: 1989/80 (O.J. No: L195, p.3) (1980 Vol. 23), and by Council Regulation (EEC) No: 1990/80 (O.J. No: L195, p.6) (1980 Vol. 23), and by Council Regulation (EEC) No: 2930/80 (O.J. No: L305, p.1) (1980 Vol. 23), and by Council Regulation (EEC) No: 3577/81 (O.J. No: L359, p.1) (1981 Vol. 24)	O.J. No: L54, 5.3.79, p.1 (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: 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.

Measures containing Community provisions	Official Journal of the European Communities: Reference
13. Council Regulation (EEC) No: 338/79 laying down special provisions relating to quality wines produced in specified regions, as amended by Council Regulation (EEC) No: 459/80 (O.J. No: L57, p.32) (1980 Vol. 23), and by Council Regulation (EEC) No: 3578/81 (O.J. No: L359, p.6) (1981 Vol. 24)	O.J. No: L54, 5.3.79, p.48 (1979 Vol. 22)
14. Council Regulation (EEC) No: 351/79 concerning the addition of alcohol to products in the wine sector, as amended by Council Regulation (EEC) No: 2817/79 (O.J. No: L320, p.7) (1979 Vol. 22), and by Council Regulation (EEC) No: 3658/81 (O.J. No: L366, p.1) (1981 Vol. 24)	O.J. No: L54, 5.3.79, p.90 (1979 Vol. 22)
15. Council Regulation (EEC) No: 352/79 authorising the coupage of German red wines, as amended by Council Regulation (EEC) No: 460/80 (O.J. No: L57, p.35) (1980 Vol. 22)	O.J. No: L54, 5.3.79, p.93 (1979 Vol. 22)
16. 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	O.J. No: L54, 5.3.79, p.94 (1979 Vol. 22)
17. Council Regulation (EEC) No: 354/79 laying down general rules for the import of wines, grape juice and grape musts.	O.J. No: L54, 5.3.79, p.97 (1979 Vol. 22)
18. Council Regulations (EEC) No: 355/79 laying down general rules for the description and presentation of wines and grape musts, as amended by Council Regulation (EEC) No: 461/80 (O.J. No: L57, p.36) (1980 Vol. 23), and by Council Regulation (EEC) No: 1016/81 (O.J. No: L103, p.7) (1981 Vol. 24), and by Council Regulation (EEC) No: 3685/81 (O.J. No: L369 p.1) (1981 Vol. 24)	O.J. No: L54, 5.3.79, p.99 (1979 Vol. 22)
19. Council Regulation (EEC) No: 358/79, on sparkling wines produced in the Community and defined in item 13 of Annex II to Council Regulation (EEC) No: 337/79, as amended by Council Regulation (EEC) No: 2383/79 (O.J. No: L274, p.8) (1979 Vol. 22), and by Council Regulation (EEC) No: 3456/80 (O.J. No: L360, p.18) (1980 Vol. 23)	O.J. No: L54, 5.3.79, p.103 (1979 Vol. 22)
20. Commission Regulation (EEC) No: 2903/79 on the downgrading of quality wines produced in specified regions	O.J. No: L326, 22.12.79, p.14 (1979 Vol. 22)

Measures containing Community provisions	Official Journal of the European Communities: Reference
21. Commission Regulation (EEC) No: 632/80 laying down detailed rules for the addition of sucrose in aqueous solution in the case of specified wine products in certain regions of wine growing zone A and amending for the second time Commission Regulation (EEC) No: 1594/70	O.J. No: L69, 15.3.80, p.33 (1980 Vol. 23)
22. Commission Regulation (EEC) No: 2310/80 laying down for the 1980/81 and 1981/82 wine growing years conditions of use of ion exchange resins and detailed implementing rules for the preparation of rectified concentrated grape must	O.J. No: L233, 4.9.80, p.14 (1980 Vol. 23)
23. Council Regulation (EEC) No: 2931/80 on certain wines originating in the Republic of Austria	O.J. No: L305, 14.11.80, p.2 (1980 Vol. 23)
24. Act concerning the conditions of accession of the Hellenic Republic and the adjustments to the Treaties amending various Regulations concerning wine, as a result of the accession of Greece	O.J. No: L291, 19.11.79, p.17 (1979 Vol. 22)
25. Commission Regulation (EEC) No: 997/81 laying down detailed rules for the description and presentation of wines and grape musts, as amended by Commission Regulation (EEC) No: 2628/81 (O.J. No: L258, p.10) (1981 Vol. 24)	O.J. No: L106, 16.4.81, p.1 (1981 Vol. 24)
26. Council Regulation (EEC) No: 3826/81 on the conclusion of the Agreement between the European Economic Community and the Republic of Austria on the control and reciprocal protection of quality wines and certain wines bearing a geographical ascription	O.J. No: L389, 31.12.81, p.1 (1981 Vol. 24)

Regulation 2(1)

SCHEDULE 2

RELEVANT COMMUNITY PROVISIONS

PART I

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 and regulation 3203/80	Requirements relating to accompanying docu- ments and turnover records
2. Regulation 337/79: article 50(1) as amended by regulation 459/80: article 2	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 and by regulation 3203/80: article 1	Accompanying docu- ments required for the importation of wines and other products

PART II

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), (4)(a), and (5) as amended by regulation 459/80: article 3 and by regulation 3578/81 article 1(3) and by Act of Accession of t h e H e l l e n i c Republic: article 21 and Annex I and by regulation 3826/81	Regulation 2247/73: article 2	General provisions relating to the use of the expression 'quality wine psr' and other expres- sions traditionally used by Member States to designate particular quality wines

Column 1	Column 2	Column 3
Relevant Community provisions	Supplementing provisions	Subject Matter
2. Regulation 338/79: article 16(3)		Restrictions on use of term 'quality sparkling wine psr' and other traditionally equivalent terms
3. Regulation 338/79: article 16(6)	Regulation 2903/79: articles 3 and 4	Provisions relating to downgraded quality wine psr

PART III

DESCRIPTION AND PRESENTATION

Column 1	Column 2	Column 3
Relevant Community provisions	Supplementing provisions	Subject Matter
1. Regulation 355/79: all articles except 1, 2(1)(b), 2(2)(i), 12(1)(c), 12(2)(u), 22(1)(c), 22(2)(d), 27(1)(b), 27(2)(h), 28(1)(b), 28(2)(r), 29(1)(c), 39, 47, 48 and 49 as amended by regulation 461/80: articles 1 and 2 and by Act of Accession of the Hellenic Republic: article 21 and Annex II and by regulation 1016/81: all articles except 1 and 7 and by regulation 3685/81	Regulation 997/81: all articles except 19 as amended by regulation 2628/81	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 IV

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 regulation 1136/70: articles 2 and 3 and by Act of Accession of the Hellenic Republic: article 21 and Annex I	Stock Declarations

PART V

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) as amended by regulation 453/80: article 1 and by regulation 459/80: article 1 and by regulation 1989/80: article 1 and by regulation 3577/81: article 1(7)	Regulation 2444/78: article 1(4) and regulation 632/80: article 1 and regulation 3235/81: article 1	Conditions for increasing alcoholic strength
2. Regulation 337/79: article 34(1) as amended by regulation 1989/80: article 1	Regulation 1594/70: article 4 and regulation 2585/79: article 1	Conditions for deacidification of wine
3. Regulation 337/79: articles 35(1) and (2) as amended by regulation 453/80: article 1		Conditions for sweetening table wines and imported wines
4. Regulation 1618/70: articles 1, 2, 3 and 4		Notifications and keeping of turnover records in relation to sweetening operations

Column 1	Column 2	Column 3
Relevant Community provisions	Supplementing provisions	Subject Matter
5. Regulation 337/79: article 36(1) and (2) as amended by regulation 453/80: article 1	Regulations 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 wines
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 as amended by Act of Accession of the Hellenic Republic: article 21 and Annex I and regulation 2817/79: article 1 and regulation 3658/81: article 1	Addition of alcohol
9. Regulation 337/79: article 43 as amended by regulation 1990/80: article 1	Regulation 352/79: article 1 as amended by regulation 460/80: 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

Column 1	Column 2	Column 3
Relevant Community provisions	Supplementing provisions	Subject Matter
12. Regulation 337/79: articles 45, 46 and 47 as amended by regulation 1990/80: article 1 and by regulation 2930/80: article 1 and by regulation 3577/81	Regulation 2310/80: article 1	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
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) as amended by regulation 453/80: article 1		Restrictions on the use of products originating in third countries
16. Regulation 2931/80: article 1	Regulation 3826/81	Rules relating to quality wines originating in the Republic of Austria
17. Regulation 337/79: article 49 as amended by regulation 453/80: article 1		Restrictions on the use of certain vine varieties
18. Regulation 337/79: article 51(1)		General rules relating to release of wine products for human consumption
19. 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 as amended by regulation 2383/79: article 1 and by regulation 3456/80: article 1	Regulation 2152/75: article 1	Rules for the preparation and marketing of sparkling wines
20. Regulation 2115/76: article 7		Conditions for release for human consumption of products originating in third countries

Column 1	Column 2	Column 3
Relevant Community provisions	Supplementing provisions	Subject Matter
21. Regulation 1972/78: articles 1, 2 and 4a as amended by regulation 45/80: article 1		Restrictions relating to the holding of unfit wine and the use of certain oenological substances

PART VI

SPECIFICATION

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 997/81: article 20	Use of the term 'wine'

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which apply throughout the United Kingdom and come into operation on 21st May 1982, 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 1979—

- (a) designate competent authorities for the purposes of enforcement (Regulation 3)
- (b) exempt certain products from provisions relating to information required on labels (Regulation 4)
- (c) prescribe offences and penalties (Regulation 5)
- (d) provide for a general defence (Regulation 6)
- (e) prescribe a penalty for unauthorised disclosure of information obtained in pursuance of the regulations (Regulation 7)

The regulations differ from the Common Agricultural Policy (Wine) Regulations 1979 in that—

- (a) the Commissioners of Customs and Excise are designated as an additional competent authority for the purpose of enforcing certain Community provisions (Regulation 3)
- (b) failure to comply with certain Community provisions has been made additionally triable on indictment and the penalties have been altered (Regulation 5)
- (c) the defence provisions have been revised to provide a general defence rather than specific defences by reference to the various Food and Drugs Acts (Regulation 6)
- (d) a penalty is prescribed for unauthorised disclosure of information obtained in pursuance of the regulations (Regulation 7)
- (e) the Schedules have been revised and 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.

SI 1982/578
ISBN 0-11-026578-5

