

EXPLANATORY MEMORANDUM TO

THE COMMON AGRICULTURAL POLICY (WINE) (ENGLAND AND NORTHERN IRELAND) (AMENDMENT) REGULATIONS 2005

2005 No. 2992

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 This Statutory Instrument allows for the enforcement of new EC wine Regulations, which have come into force since 1 April 2004, adds two vine varieties to the list of those classified for the production of wine in England and Northern Ireland and extends the use of county names authorised for the labelling of wine gaining 'regional wine status' under the UK Regional Wine Scheme to include all English wine producing counties (Northern Ireland does not produce wine).
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Background**
 - 4.1 England and Northern Ireland fulfil their obligation to enforce EC wine legislation by means of a statutory instrument that allocates powers of enforcement and creates offences for breach of EC Regulations. This is achieved by the CAP (Wine) (England and Northern Ireland) Regulations 2001, the "principal regulations" as amended by our 2004 wine amendment regulations. The Scottish and Welsh Assemblies make parallel regulations for the enforcement of CAP Wine Rules in Scotland and Wales. Responsibility for the enforcement of the CAP Wine Rules in the UK falls principally to the Wine Standards Board but also local authorities at the retail level and HM Revenue and Customs regarding specific documentation.
5. **Extent**
 - 5.1 This instrument applies to England and Northern Ireland.
6. **European Convention on Human Rights**
 - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - 7.1 The amending Statutory Instrument:
 - updates references to Community provisions set out in Schedule 1 and 2;
 - extends the geographical indications which may be used for regional wines to include all English wine producing counties;
 - amends the definition of 'the Commissioners'; and

- makes minor changes to the Schedule 3 list of vine varieties, which may be used in the production of wine.

- 7.2 The Community provisions referred to above are those wine regulations agreed since 1 April 2004, which includes the new rules on allergen labelling that come into force from 25 November 2005. Council Directive 2003/89/EC of the European Parliament and of the Council amended Directive 2000/13/EC as regards the indication of the ingredients present in foodstuffs including alcoholic drinks by laying down new rules for allergen labelling. These rules are implemented in the UK by the Food Labelling (Amendment) (No.2) (England) Regulations 2004, which includes alcoholic drinks. However, the common organisation of the market in wine contains specific rules on wine labelling which are provided for in Commission Regulation 753/2002. This regulation has therefore been amended to reflect the horizontal rules in Directive 2000/13/EC. It is necessary to make the amendment to Commission Regulation 753/2002 in this instrument to give the Wine Standards Board powers of enforcement over the new rules.
- 7.3 Under the EC wine labelling regulations, basic table wines are prohibited from bearing the name of a geographical unit smaller than the Member State. However a subsidiary provision exists that allows Member States to establish voluntary schemes for smaller geographical units, which promote high standard table wines meeting specified analytical and organoleptic (nose, colour and taste) standards.
- 7.4 UK producers took up this option in 1997 when the UK Regional Wine Scheme was first established. An industry trade body, the United Kingdom Vineyards Association, carries out the administration of the Scheme and the Wine Standards Board undertakes enforcement of the labelling aspects.
- 7.5 The industry has now agreed amongst its members to amend the UK Regional Wine Scheme to extend the current provision providing for 18 regional names to include all English wine producing regions. Provision for this needs to be made in our domestic wine legislation to ensure that the labelling aspects of the new scheme can be properly enforced.
- 7.6 The definition of 'the Commissioners' is being amended following the vesting of functions previously exercisable by the Commissioners of Customs and Excise in the Commissioners for Revenue and Customs.
- 7.7 Minor changes are also being made to Schedule 3, which lists the vine varieties that may be used in the production of wine in England and Northern Ireland. The United Kingdom Vineyards Association has requested the inclusion of two vine varieties, which are legitimate under Community law.
- 7.8 The amendment regulations are being made under Section 2(2) of the European Communities Act 1972. As with the principal regulations, it will apply to both England and Northern Ireland, but will be made by Lord Bach as sole signatory in accordance with DARDNI's request. Scotland and Wales will be making their own statutory instruments using their devolved powers.
- 7.9 These proposals have been discussed and approved by the Quality Wine Committee, which is chaired by Defra and includes the United Kingdom Vineyards Association, the Wine and Spirits Trade Association, the National Farmers Union, the Wine Standards Board and the Food

Standards Agency as members. Given this and the fact that the amendments are minor, further formal consultation was not undertaken.

8. Impact

- 8.1 A Regulatory Impact Assessment was carried out by the Food Standards Agency on The Food Labelling (Amendment) (No.2) (England) Regulations 2004, which implements the allergen rules contained in Directive 2000/13/EC. This was produced in consultation with key industry stakeholders including those in the wine sector and has been placed in the House Libraries. A Regulatory Impact Assessment is, therefore, not required as this amending Statutory Instrument is cost neutral, and will not impose any additional burdens on industry.
- 8.2 There is no impact on the public sector.

9. Contact

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