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STATUTORY INSTRUMENTS

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**2011 No. 2936**

**AGRICULTURE**

**The Wine Regulations 2011**

*Made* - - - - *6th December 2011*

*Laid before Parliament* *9th December 2011*

*Coming into force* - - *30th December 2011*

The Secretary of State has carried out a public consultation in accordance with Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(1)</sup>.

The Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972<sup>(2)</sup> and it appears to the Secretary of State that it is expedient for the European Union instruments referred to in these Regulations to be construed as references to those instruments as amended from time to time.

The Secretary of State is a Minister designated<sup>(3)</sup> for the purposes of section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy of the European Union, and makes these Regulations under the powers conferred by that section and by paragraph 1A of Schedule 2 to that Act<sup>(4)</sup>.

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(1) OJ No L 31, 1.2.2002, p1, as last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No L 188, 18.7.2009, p14).

(2) 1972 c. 68. Under section 57(1) of the Scotland Act 1998 (c. 46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Scotland. Under paragraph 5 of Schedule 3 to the Government of Wales Act 2006 (c. 32), despite the transfer to the Welsh Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Wales. The Secretary of State's power, as a Minister so designated, to make regulations which extend to Northern Ireland is confirmed by article 3(2) of S.I. 2000/2812.

(3) S.I. 1972/1811. The function of the Minister of Agriculture of making regulations under section 2(2) of the European Communities Act 1972 was transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(4) Paragraph 1A was inserted into Schedule 2 by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51). Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

## PART 1

### Introduction

#### Title, commencement and extent

- 1.—(1) These Regulations may be cited as the Wine Regulations 2011.
- (2) They come into force on 30th December 2011.
- (3) In regulation 19, an amendment of an enactment has the same extent as that enactment, and in regulation 20, a revocation of an enactment has the same extent as that enactment.

#### Interpretation

- 2.—(1) In these Regulations—
  - (a) references to EU instruments are references to those instruments as amended from time to time;
  - (b) terms used in the European Regulations have the same meaning as in those Regulations.
- (2) In these Regulations—

“authorised officer” means a person appointed by an enforcement authority for the purposes of these Regulations,

“the European Regulations” means—

  - (a) [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<sup>(5)</sup>,
  - (b) the provisions of [Council Regulation \(EC\) No 1234/2007](#) establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)<sup>(6)</sup> amended or inserted by [Council Regulation \(EC\) No 491/2009](#)<sup>(7)</sup>,
  - (c) [Commission Regulation \(EC\) No 555/2008](#) laying down detailed rules for implementing [Council Regulation \(EC\) No 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<sup>(8)</sup>,
  - (d) [Commission Regulation \(EC\) No 436/2009](#) laying down detailed rules for the application of [Council Regulation \(EC\) No 479/2008](#) as regards the vineyard register, compulsory declarations and the gathering of information to monitor the wine market, the documents accompanying consignments of wine products and the wine sector registers to be kept<sup>(9)</sup>,
  - (e) [Commission Regulation \(EC\) No 606/2009](#) laying down certain detailed rules for implementing [Council Regulation \(EC\) No 479/2008](#) as regards the categories of grapevine products, oenological practices and the applicable restrictions<sup>(10)</sup>, and
  - (f) [Commission Regulation \(EC\) No 607/2009](#) laying down certain detailed rules for the implementation of [Council Regulation \(EC\) No 479/2008](#) as regards protected

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(5) OJ No L 149, 14.6.1991, p1, as last amended by [Regulation \(EC\) No 1334/2008](#) (OJ No L 354, 31.12.2008, p34).

(6) OJ No L 299, 16.11.2007, p1, as last amended by [Regulation \(EU\) No 1234/2010](#) (OJ No L 346, 30.12.2010, p11). The provisions relating to wine were inserted by [Council Regulation \(EC\) No 491/2009](#) (OJ No L 154, 17.6.2009, p1).

(7) OJ No L 154, 17.6.2009, p1.

(8) OJ No L 170, 30.6.2008, p1, as last amended by [Commission Regulation \(EU\) No 772/2010](#) (OJ No L 232, 2.9.2010, p1).

(9) OJ No L 128, 27.5.2009, p15, as last amended by [Commission Regulation \(EU\) No 173/2011](#) (OJ No L 49, 24.2.2011, p16).

(10) OJ No L 193, 24.7.2009, p1, as last amended by [Commission Regulation \(EU\) No 53/2011](#) (OJ No L 19, 22.1.2011, p1).

designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products<sup>(11)</sup>;

“premises” includes any land or vehicle; and

“wine sector product” means a product mentioned in Annex XIb to Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation).

### **Official functions and enforcement**

**3.—**(1) The local authority enforces the European Regulations in relation to retail sale; and in this paragraph “local authority” means—

- (a) an authority (other than the council of a non-metropolitan district) that is a food authority for the purposes of the Food Safety Act 1990<sup>(12)</sup>; and
- (b) in Northern Ireland, a district council within the meaning of the Interpretation Act (Northern Ireland) 1954<sup>(13)</sup>.

(2) The Secretary of State, general customs officials and the Food Standards Agency enforce them in relation to import and export.

(3) In relation to Scotland, the reference in paragraph (2) to “The Secretary of State” is to be read as a reference to “The Scottish Ministers”.

(4) In relation to Northern Ireland, the reference in paragraph (2) to “The Secretary of State” is to be read as a reference to “The Department of Agriculture and Rural Development”.

(5) Otherwise the Food Standards Agency or the Secretary of State enforce these Regulations and the European Regulations.

(6) In relation to Scotland, the reference in paragraph (5) to “the Secretary of State” is to be read as a reference to “the Scottish Ministers”.

(7) Each of these is referred to as “an enforcement authority”.

(8) In this regulation “general customs official” means a general customs official designated under section 3(1) of the Borders, Citizenship and Immigration Act 2009<sup>(14)</sup>.

(9) Nothing in these Regulations authorises an enforcement authority to bring proceedings in Scotland for an offence.

### **The competent authority**

**4.—**(1) The Secretary of State is the competent authority for, and acts as the Member State for, the European Regulations.

(2) But—

- (a) the Food Standards Agency is the competent authority for the purposes of—
  - (i) the reception of any information or declarations that must be submitted to the competent authority or Member State under the European Regulations,
  - (ii) Article 118o(1) of Council Regulation (EC) No 1234/2007, and
  - (iii) Article 63(1) of Commission Regulation (EC) No 607/2009;

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<sup>(11)</sup> OJ No L 193, 24.7.2009, p. 60, as last amended by Commission Implementing Regulation (EU) No 670/2011 (OJ No L 183, 13.7.2011, p6).

<sup>(12)</sup> 1990 c. 16.

<sup>(13)</sup> 1954 c. 33. Section 44 contains a definition of “district council”.

<sup>(14)</sup> 2009 c.11.

- (b) the Commissioners for Her Majesty's Revenue and Customs are the competent authority for the purposes of Article 44 of [Commission Regulation \(EC\) No 436/2009](#).
- (3) In relation to Scotland—
  - (a) the reference in paragraph (1) to “The Secretary of State” is to be read, in relation to the competent authority, as a reference to “The Scottish Ministers”; and
  - (b) the reference in paragraph (2)(b) to “the Commissioners for Her Majesty's Revenue and Customs” is to be read as a reference to “the Scottish Ministers”.

## PART 2

### Vineyard registers, protected geographical indications and protected designations of origin

#### **Information to be provided for the purposes of the vineyard register**

5.—(1) Paragraph (2) applies to a person who is the owner of, or who has planted, vines of more than 0.1 hectare before 30th December 2011, if the specified information has not been provided to the Food Standards Agency in respect of that plantation before that date.

(2) A person to whom this paragraph applies must provide the Food Standards Agency with the specified information within a period of 6 months beginning with the 30th December 2011.

(3) A person who plants vines of more than 0.1 hectare, or who has increased an existing plantation of vines to one of more than 0.1 hectare, after 30th December 2011, must provide the Food Standards Agency with the specified information within a period of 6 months beginning with the date of planting.

(4) In this regulation, “the specified information” means the information in Article 3(1)(a)(i) to (iv) of [Commission Regulation \(EC\) No 436/2009](#).

#### **Protected geographical indications and protected designations of origin**

6.—(1) Schedule 1 (protected geographical indications) has effect.

(2) Schedule 2 (protected designations of origin) has effect.

## PART 3

### Enforcement

#### **Disclosure of information**

7.—(1) The Commissioners for Her Majesty's Revenue and Customs may disclose any information in their possession to the Secretary of State or the Food Standards Agency for the purposes of the European Regulations or these Regulations.

(2) Paragraph (1) is without prejudice to any other power of the Commissioners to disclose information.

#### **Powers of authorised officers**

8.—(1) An authorised officer may, on producing a duly authenticated authorisation if required, at any reasonable time enter any premises (except those used wholly or mainly as a private

dwellinghouse) for the purpose of executing or enforcing the European Regulations or these Regulations.

(2) An authorised officer who has entered premises, whether under paragraph (1) or under the authority of a warrant under regulation 9, may—

- (a) inspect any materials or articles;
- (b) have access to, and inspect and copy any documents or records (in whatever form they are held), and remove them to enable them to be copied;
- (c) have access to, inspect and check the operation of any computer and any associated apparatus used in connection with the records, and may require any person to afford such assistance as may reasonably be required (including the provision of passwords), and may require any computer records to be produced in a form in which they may be taken away;
- (d) seize and retain anything required as evidence in proceedings under these Regulations;
- (e) undertake an inventory of wine sector products and of anything which may be used in the preparation of wine sector products; and
- (f) purchase or take samples of any wine sector product and of anything which may be used in the preparation of wine sector products.

(3) An authorised officer who has procured a sample of any wine sector product or of anything which may be used in the preparation of such a product may analyse or examine that sample or have that sample analysed or examined.

(4) An authorised officer entering any premises by virtue of this regulation or regulation 9 may be accompanied by either or both of the following—

- (a) such other person as the officer considers necessary,
- (b) a representative of the European Commission.

## **Warrant**

**9.—**(1) If a justice of the peace, on sworn information in writing, or in Scotland by evidence on oath, or in Northern Ireland on a sworn complaint in writing, is satisfied—

- (a) that there are reasonable grounds to enter any premises for the purposes of executing or enforcing the European Regulations or these Regulations; and
- (b) that any of the conditions in paragraph (2) are met,

the justice may by signed warrant authorise the authorised officer to enter the premises, if need be by reasonable force.

(2) The conditions are that—

- (a) admission to the premises has been refused, or a refusal is expected, and (in either case) notice of the intention to apply for a warrant has been given to the occupier;
- (b) asking for admission to the premises, or the giving of such notice, would defeat the object of the entry;
- (c) entry is required urgently; or
- (d) the premises are unoccupied or the occupier is temporarily absent.

(3) A warrant is valid for three months.

(4) An authorised officer entering any premises which are unoccupied or from which the occupier is temporarily absent must leave them as effectively secured against unauthorised entry as they were before entry.

(5) In this regulation, a reference to a justice of the peace—

- (a) in Scotland includes a sheriff; and
- (b) in Northern Ireland is a reference to a lay magistrate.

### **Warning notices**

**10.**—(1) An authorised officer who believes that a person has contravened any provision of the European Regulations may serve a notice under this regulation on the person (a “warning notice”).

- (2) A warning notice must—
  - (a) state the provision of the European Regulations that the officer believes has been breached;
  - (b) notify the person that any future breach of that provision by them may render the person liable to prosecution; and
  - (c) give details of the right of appeal against the notice.

### **Enforcement notices**

**11.**—(1) An enforcement notice is a notice requiring a person to take specified steps to remedy a contravention, to remedy a contravention to the fullest extent possible, or to remedy matters making it likely that a contravention will arise.

(2) An authorised officer may serve an enforcement notice on a person if the officer is of the opinion that the person—

- (a) has contravened regulation 5; or
  - (b) has contravened, is contravening or is likely to contravene any provision of the European Regulations.
- (3) An enforcement notice must—
- (a) state that the officer is of that opinion;
  - (b) specify the matters constituting the contravention or the matters making it likely that the contravention will arise, as the case may be;
  - (c) specify the steps that must be taken to remedy the contravention or to remedy the matters making it likely that the contravention will arise, as the case may be;
  - (d) specify the period within which those steps must be taken; and
  - (e) give details of the right of appeal against the notice.

### **Prohibition notices**

**12.**—(1) A prohibition notice is a notice prohibiting the movement, marketing or export of a wine sector product.

(2) An authorised officer may serve a prohibition notice on a person who appears to be in control of a wine sector product if the officer is of the opinion that there has been or may have been a contravention of any provision of the European Regulations in relation to the product.

(3) A prohibition notice must give details of the right of appeal against the notice.

(4) The officer may mark any wine sector product or container in relation to which a prohibition notice has been served (and remove or alter any such mark).

### **Appeals against notices etc.**

**13.**—(1) A person who is aggrieved by a notice served under these Regulations may appeal against it.

- (2) The right of appeal is to a person nominated by the Food Standards Agency.
- (3) An appeal must be brought within the period of 28 days beginning with the date on which the notice is served.
- (4) A notice is not suspended pending an appeal unless the person nominated under paragraph (2) decides otherwise.
- (5) The person hearing the appeal may either cancel or confirm the notice, with or without modification.
- (6) A notice must be in writing.
- (7) An authorised officer may at any time withdraw or vary a notice in writing.
- (8) A person on whom an enforcement notice or a prohibition notice is served must comply with it at their own expense.

## Offences

**14.**—(1) A person who breaches any of the following provisions of the European Regulations is guilty of an offence—

- (a) Article 118m(2) of Council Regulation [\(EC\) No 1234/2007](#) (which provides protection for protected designations of origin and protected geographical indications and the wines using those protected names in conformity with the product specification);
  - (b) the first sub-paragraph of Article 118v(1) of Council Regulation [\(EC\) No 1234/2007](#) (which protects the use of traditional terms for products produced in accordance with Article 118u(1));
  - (c) Article 120c of Council Regulation [\(EC\) No 1234/2007](#) (which requires that wine sector products are produced and conserved in accordance with EU laws);
  - (d) Article 158a(2) of Council Regulation [\(EC\) No 1234/2007](#) (which concerns the production requirements for wine imported into the EU);
  - (e) Article 41 of [Commission Regulation \(EC\) No 436/2009](#) (which requires operations to be entered into registers).
- (2) It is an offence for a person to—
- (a) fail to comply with an enforcement notice or a prohibition notice;
  - (b) fail to comply with a provision of the European Regulations at any time after that person has received a warning notice in respect of that provision.
- (3) It is an offence—
- (a) intentionally to obstruct an authorised officer acting in the execution of these Regulations or of the European Regulations (including obstruction by the alteration or removal of a mark made under regulation [12\(4\)](#));
  - (b) without reasonable cause, to fail to give to any such officer any assistance or information which that officer may reasonably require;
  - (c) to furnish to any such officer any information knowing it to be false or misleading; or
  - (d) to fail to produce a document, record or passport to any such officer when required to do so.
- (4) It is an offence for a person, including a servant of the Crown, to disclose any information received from the Commissioners for Her Majesty’s Revenue and Customs under regulation [7\(1\)](#) if—
- (a) the information relates to a person whose identity is specified in the disclosure or can be deduced from the disclosure,
  - (b) the disclosure is for a purpose other than that specified in regulation [7\(1\)](#), and

(c) the Commissioners have not given their prior consent to the disclosure.

(5) It is a defence for a person charged with an offence under paragraph (4) to prove that the person reasonably believed—

- (a) that the disclosure was lawful, or
- (b) that the information had already and lawfully been made available to the public.

## Penalties

15. A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine.

## Proceedings against partnerships and unincorporated associations

16.—(1) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or unincorporated association may be brought against the partnership or association in the name of the partnership or association.

(2) For the purposes of such proceedings the following apply as if the partnership or unincorporated association were a body corporate—

- (a) rules of court relating to the service of documents;
- (b) section 33 of the Criminal Justice Act 1925(15) and Schedule 3 to the Magistrates' Court Act 1980(16);
- (c) section 70 and section 143 of the Criminal Procedure (Scotland) Act 1995(17);
- (d) section 18 of the Criminal Justice Act (Northern Ireland) 1945(18) and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981(19).

(3) A fine imposed on a partnership or unincorporated association is to be paid out of the funds of the partnership or association.

## Offences by bodies corporate, partnerships and unincorporated associations

17.—(1) Where a body corporate is guilty of an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

that person, as well as the body corporate, is guilty of the offence.

(15) 1925 c. 86. Section 33 was amended by Schedule 6 to the Magistrates Courts Act 1952 (c.55), section 56(1) of and Part II of Schedule 8 to the Courts Act 1971 (c.23) and section 109 of and paragraph 71 of Schedule 8, and Schedule 10 to Courts Act 2003 (c.39).

(16) 1980 c. 43. Schedule 3 was amended by sections 25(2), 101(2) of and Schedule 13 to the Criminal Justice Act 1991 (c. 53), section 47 of and paragraph 13 of Schedule 1 to the Criminal Procedure and Investigations Act 1996 (c.25), and sections 41 and 332 of and paragraph 51 of Schedule 3, and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c.44).

(17) 1995 c. 46. Section 70 was amended by article 3(1) of and paragraph 104(2) of Schedule 1 to S.I. 2001/1149, section 10(6) of the Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5) and section 28 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6). Section 143 was amended by regulation 5 of and paragraph 3 of Schedule 4 to S.S.I. 2001/128 and by section 17 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007.

(18) 1945 c.15 (NI) Section 18 was amended by the Magistrates' Courts Act (NI) 1964 c.(NI), the Prosecution of Offences (NI) Order 1972 (SI No 538 (NI 1)), the Insurance Companies Act 1974 (c.49), the Banking Act 1979 (c.37), the Insurance Companies Act 1980 (c.25), and the Justice (NI) Act 2002 (c.26).

(19) S.I. 1981/1675 (N.I. 26).

(2) In paragraph (1), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where a partnership or a Scottish partnership is guilty of an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of a partner, the partner, as well as the partnership, is guilty of the offence.

(4) In paragraph (3) “partner” includes a person purporting to act as a partner.

(5) Where an unincorporated association is guilty of an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of an officer of the association, that officer, as well as the association, is guilty of the offence.

(6) In paragraph (5) “officer”, in relation to an unincorporated association, means—

- (a) an officer of the association or a member of its governing body; or
- (b) a person purporting to act in that capacity.

## PART 4

### Final provisions

#### Review

**18.**—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which the objectives have been achieved;
- (c) assess whether the objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

(3) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(4) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

#### Amendments of other legislation

**19.**—(1) The table in Schedule A1 to the Weights and Measures (Intoxicating Liquor) Order 1988<sup>(20)</sup> is amended as follows—

- (a) in the first column (product), for the entry in the third row (sparkling wine), substitute “sparkling wine, quality sparkling wine, quality aromatic sparkling wine, aerated sparkling wine, semi-sparkling wine and aerated semi-sparkling wine”, and
- (b) in the second column (product definition)—

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<sup>(20)</sup> S.I. 1988/2039, amended by S.I. 2009/663. There are other amendments but none is relevant.

- (i) for the entry in the first row (still wine), substitute “wine as defined in point 1 of Annex XIb to Council Regulation (EC) No 1234/2007<sup>(21)</sup> establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products”,
  - (ii) for the entry in the second row (yellow wine), substitute “wine using the traditional term “vin jaune” listed and defined in the “E-Bacchus” database in accordance with Article 40(1) of Commission Regulation (EC) No 607/2009<sup>(22)</sup> laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products”,
  - (iii) for the entry in the third row (sparkling wine), substitute “as those wines are defined (respectively) in points 4, 5, 6, 7, 8 and 9 of Annex XIb to Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products”, and
  - (iv) for the entry in the fourth row (liqueur wine), substitute “liqueur wine as defined in point 3 of Annex XIb to Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products”.
- (2) The table in Schedule A1 to the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989<sup>(23)</sup> is amended as follows—
- (a) in the first column (product), for the entry in the third row (sparkling wine), substitute “sparkling wine, quality sparkling wine, quality aromatic sparkling wine, aerated sparkling wine, semi-sparkling wine and aerated semi-sparkling wine”, and
  - (b) in the second column (product definition)—
    - (i) for the entry in the first row (still wine), substitute “wine as defined in point 1 of Annex XIb to Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products”,
    - (ii) for the entry in the second row (yellow wine), substitute “wine using the traditional term “vin jaune” listed and defined in the “E-Bacchus” database in accordance with Article 40(1) of Commission Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products”,
    - (iii) for the entry in the third row (sparkling wine), substitute “as those wines are defined (respectively) in points 4, 5, 6, 7, 8 and 9 of Annex XIb to Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products”, and
    - (iv) for the entry in the fourth row (liqueur wine), substitute “liqueur wine as defined in point 3 of Annex XIb to Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products”.
- (3) The Food Labelling Regulations 1996<sup>(24)</sup> are amended as follows—

(21) OJ No L 299, 16.11.2007, p1, as last amended by Regulation (EU) No 1234/2010 (OJ No L 346, 30.12.2010, p11). The provisions relating to wine were inserted by Council Regulation (EC) No 491/2009 (OJ No L 154, 17.6.2009, p1).

(22) OJ No L 193, 24.7.2009, p. 60, as last amended by Commission Implementing Regulation (EU) No 670/2011 (OJ No L 183, 13.7.2011, p6).

(23) S.R.1989/164, amended by S.R. 2010/203.

(24) S.I. 1996/1499, to which there are amendments not relevant to these Regulations.

- (a) in regulation 2(1)—
- (i) for the definition of “Community controlled wine”, substitute ““Community controlled wine” means wine, grape must, sparkling wine, quality sparkling wine, quality aromatic sparkling wine, aerated sparkling wine, semi-sparkling wine, aerated semi-sparkling wine and liqueur wine;”
  - (ii) for the definition of “grape must”, substitute ““grape must” has the meaning given in point 10 of Annex XIb to Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products;”
  - (iii) for the definition of “liqueur wine”, substitute ““liqueur wine” has the meaning given in point 3 of Annex XIb to Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products;”
  - (iv) for the definitions of “sparkling wine”, “aerated sparkling wine”, “semi-sparkling wine” and “aerated semi-sparkling wine”, substitute ““sparkling wine”, “quality sparkling wine”, “quality aromatic sparkling wine”, “aerated sparkling wine”, “semi-sparkling wine” and “aerated semi-sparkling wine” have the meanings given in (respectively) points 4, 5, 6, 7, 8 and 9 of Annex XIb to Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products;”, and
  - (v) for the definition of “wine”, substitute ““wine” has the meaning given in point 1 of Annex XIb to Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products;”
- (b) in regulation 4(2)—
- (i) for sub-paragraph (h), substitute—
    - “(h) wines or grape musts, in so far as their labelling is regulated by [Commission Regulation \(EC\) No 607/2009](#) laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products;”
  - (ii) for sub-paragraph (i), substitute—
    - “(i) sparkling wines, quality sparkling wines, aerated sparkling wines and quality aromatic sparkling wines, in so far as their labelling is regulated by [Commission Regulation \(EC\) No 607/2009](#) laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products;”
  - (iii) for sub-paragraph (j), substitute—
    - “(j) liqueur wines, semi-sparkling wines and aerated semi-sparkling wines, in so far as their labelling is regulated by [Commission Regulation \(EC\) No 607/2009](#) laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products;”
- (c) in regulation 22, for paragraph (b), substitute—

- “(b) wine, liqueur wine, sparkling wine, quality sparkling wine, quality aromatic sparkling wine, aerated sparkling wine, semi-sparkling wine, aerated semi-sparkling wine, aromatised wine and any similar drink obtained from fruit other than grapes;”;
- (d) in regulation 43(1) and (2), for each occurrence of “wine as defined in Annex I to [Council Regulation \(EEC\) No 822/87](#)”, substitute “wine within the meaning given in point 1 of Annex XIb to Council Regulation ([EC](#)) [No 1234/2007](#) establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products”; and
- (e) in the second column (ingredients) of the table in Schedule 3, for the entry in the last row (wine), substitute “any type of wine defined in Council Regulation ([EC](#)) [No 1234/2007](#) establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products”.
- (4) The Food Labelling Regulations (Northern Ireland) 1996(25) are amended as follows—
- (a) in regulation 2(1)—
- (i) for the definition of “Community controlled wine”, substitute ““Community controlled wine” means wine, grape must, sparkling wine, quality sparkling wine, quality aromatic sparkling wine, aerated sparkling wine, semi-sparkling wine, aerated semi-sparkling wine and liqueur wine;”;
- (ii) for the definition of “grape must”, substitute ““grape must” has the meaning given in point 10 of Annex XIb to Council Regulation ([EC](#)) [No 1234/2007](#) establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products;”;
- (iii) for the definition of “liqueur wine”, substitute ““liqueur wine” has the meaning given in point 3 of Annex XIb to Council Regulation ([EC](#)) [No 1234/2007](#) establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products;”;
- (iv) for the definitions of “sparkling wine”, “aerated sparkling wine”, “semi-sparkling wine” and “aerated semi-sparkling wine”, substitute ““sparkling wine”, “quality sparkling wine”, “quality aromatic sparkling wine”, “aerated sparkling wine”, “semi-sparkling wine” and “aerated semi-sparkling wine” have the meanings given in (respectively) points 4, 5, 6, 7, 8 and 9 of Annex XIb to Council Regulation ([EC](#)) [No 1234/2007](#) establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products;”;
- (v) for the definition of “wine”, substitute ““wine” has the meaning given in point 1 of Annex XIb to Council Regulation ([EC](#)) [No 1234/2007](#) establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products;”;
- (b) in regulation 4(2)—
- (i) for sub-paragraph (h), substitute—
- “(h) wines or grape musts, in so far as their labelling is regulated by [Commission Regulation \(EC\) No 607/2009](#) laying down certain detailed rules for the implementation of Council Regulation ([EC](#)) [No 479/2008](#) as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products;”;
- (ii) for sub-paragraph (i), substitute—

- “(i) sparkling wines, quality sparkling wines, aerated sparkling wines and quality aromatic sparkling wines, in so far as their labelling is regulated by [Commission Regulation \(EC\) No 607/2009](#) laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products;”
- (iii) for sub-paragraph (j), substitute—
- “(j) liqueur wines, semi-sparkling wines and aerated semi-sparkling wines, in so far as their labelling is regulated by [Commission Regulation \(EC\) No 607/2009](#) laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products;”
- (c) in regulation 22, for paragraph (b), substitute—
- “(b) wine, liqueur wine, sparkling wine, quality sparkling wine, quality aromatic sparkling wine, aerated sparkling wine, semi-sparkling wine, aerated semi-sparkling wine, aromatised wine and any similar drink obtained from fruit other than grapes;”
- (d) in regulation 43(1) and (2), for each occurrence of “wine as defined in Annex I to [Council Regulation \(EEC\) No 822/87](#)”, substitute “wine within the meaning given in point 1 of Annex XIb to Council Regulation [\(EC\) No 1234/2007](#) establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products”; and
- (e) in the second column (ingredients) of the table in Schedule 3, for the entry in the last row (wine), substitute “any type of wine defined in Council Regulation [\(EC\) No 1234/2007](#) establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products”.

## Revocations

20. The following Regulations are revoked.

<i>Regulations</i>	<i>References</i>
The Common Agricultural Policy (Wine) (Wales) Regulations 2001	<a href="#">S.I. 2001/2193 (W. 155)</a>
The Common Agricultural Policy (Wine) (Scotland) Regulations 2002	<a href="#">S. S. I. 2002/325</a>
The Common Agricultural Policy (Wine) (Scotland) Amendment Regulations 2003	<a href="#">S.S.I. 2003/164</a>
The Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2003	<a href="#">S.I. 2003/1776 (W. 192)</a>
The Common Agricultural Policy (Wine) (Scotland) Amendment Regulations 2004	<a href="#">S.S.I. 2004/272</a>
The Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2004	<a href="#">S.I. 2004/2599 (W. 232)</a>
The Common Agricultural Policy (Wine) (Scotland) Amendment Regulations 2006	<a href="#">S.S.I. 2006/311</a>

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<i>Regulations</i>	<i>References</i>
The Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2006	S.I. 2006/1716 (W.178)
The Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2007	S.I. 2007/2333 (W. 191)
The Wine Regulations (Northern Ireland) 2009	S.R. 2009/354
The Wine Regulations 2009	S.I. 2009/386

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6th December 2011

*Jim Paice*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

## SCHEDULE 1

Regulation 6(1)

## Protected geographical indications

**Introductory**

1. This Schedule sets out the names, geographical areas and applicable requirements for the purposes of Article 118c(2)(h) of Council Regulation (EC) No 1234/2007 for the protected geographical indications “English Regional” and “Welsh Regional”.

**Names and geographical areas**

2. The geographical area in relation to the protected geographical indication—
- (a) “English Regional” is England; and
  - (b) “Welsh Regional” is Wales.

**Applicable requirements for wine other than quality sparkling wine**

- 3.—(1) The applicable requirements for wine other than quality sparkling wine are as follows.
- (2) The wine must come from a batch of wine—
- (a) for which the maximum yield for each hectare of land cultivated with vines for producing the wine was 100 hectolitres;
  - (b) that has been organoleptically tested to be free from taints; and
  - (c) that meets the standards set out in the following table.

**Standards for wine other than quality sparkling wine (PGIs)**

<i>Factor</i>	<i>Standard to be met</i>
Actual alcoholic strength	A minimum of 8.5%.
Total acidity	A minimum of 4 grams per litre expressed as tartaric acid.
Volatile acidity	In the case of grape must in fermentation, a maximum of 18 milliequivalents per litre;
	In the case of white and rosé wines, 18 milliequivalents per litre;
	In the case of red wine, 20 milliequivalents per litre.
Total sulphur dioxide	In the case of wine with more than 45 grams per litre of residual sugar, a maximum of 300 milligrams per litre;
	In the case of red wine with less than 45 grams per litre but not less than 5 grams per litre of residual sugar, a maximum of 200 milligrams per litre;

<i>Factor</i>	<i>Standard to be met</i>
	In the case of white or rosé wine with less than 45 grams per litre but not less than 5 grams per litre of residual sugar, a maximum of 250 milligrams per litre;
	In the case of red wine with less than 5 grams per litre of residual sugar, a maximum of 150 milligrams per litre;
	In the case of white or rosé wine with less than 5 grams per litre of residual sugar, a maximum of 200 milligrams per litre.
Free sulphur dioxide	In the case of a dry wine, a maximum of 45 milligrams per litre;
	In the case of any other wine, a maximum of 60 milligrams per litre.
Copper	A maximum of 0.5 milligrams per litre.
Iron	A maximum of 8 milligrams per litre.
Sterility	There must be no indication of yeasts or bacteria likely to cause spoilage.
Protein stability	The wine must remain unchanged in appearance after being held at 70°C for 15 minutes and subsequently cooled to 20°C.

#### **Applicable requirements for quality sparkling wine**

- 4.—(1) The applicable requirements for quality sparkling wine are as follows.
- (2) The wine must come from a batch of wine—
- (a) for which the maximum yield for each hectare of land cultivated with vines for producing the wine was 100 hectolitres;
  - (b) that—
    - (i) is produced from cuveés with a total alcoholic strength of 9% or more by volume;
    - (ii) has been obtained by secondary alcoholic fermentation of fresh grapes, grape must or wine in the bottle;
    - (iii) has had a minimum of nine months of uninterrupted secondary fermentation, within the same undertaking, on the yeast lees, which has subsequently been removed by disgorgement; and
    - (iv) has been organoleptically tested to be free from taints; and
  - (c) that meets the standards set out in the following table.

#### **Standards for quality sparkling wine (PGIs)**

<i>Factor</i>	<i>Standard to be met</i>
Natural alcohol	A minimum of 6% before enrichment.

<i>Factor</i>	<i>Standard to be met</i>
Actual alcoholic strength	A minimum of 10%.
Total acidity	A minimum of 4 grams per litre expressed as tartaric acid.
Volatile acidity	A maximum of 18 milliequivalents per litre.
Total sulphur dioxide	A maximum of 185 milligrams per litre.
Copper	A maximum of 0.5 milligrams per litre.
Iron	A maximum of 8 milligrams per litre.
Chill stability	There must be no crystal deposits when the wine is held at 2°C for 36 hours.
Pressure	The wine must be at a pressure of not less than 3.5 bars when measured at 20°C.

## SCHEDULE 2

Regulation 6(2)

## Protected designations of origin

**Introductory**

1. This Schedule sets out the names, geographical areas and applicable requirements for the purposes of Article 118c(2)(h) of Council Regulation (EC) No 1234/2007 for the protected designations of origin, “English” and “Welsh”.

**Names and geographical areas**

2. The geographical area in relation to the protected designation of origin—
- “English” (which applies in respect of wine and quality sparkling wine) is England; and
  - “Welsh” (which applies in respect of wine and quality sparkling wine) is Wales.

**Applicable requirements for wine other than quality sparkling wine**

- 3.—(1) The applicable requirements for wine other than quality sparkling wine are as follows.
- (2) The wine must come from a batch of wine—
- for which the maximum yield for each hectare of land cultivated with vines for producing the wine was 80 hectolitres;
  - for which the vines were grown at or below 220 metres above sea level;
  - that has been organoleptically tested to be free from taints; and
  - that meets the standards set out in the following table.

**Standards for wine other than quality sparkling wine (PDOs)**

<i>Factor</i>	<i>Standard to be met</i>
Natural alcohol	A minimum of 6% before enrichment.

<i>Factor</i>	<i>Standard to be met</i>
Actual alcoholic strength	8.5% in the case of wine having a natural alcoholic strength of less than 10%.
Total alcoholic strength	A minimum of 9%.
Total acidity	A minimum of 4 grams per litre expressed as tartaric acid.
Volatile acidity	In the case of grape must in fermentation, a maximum of 18 milliequivalents per litre;  In the case of white and rosé wine, a maximum of 18 milliequivalents per litre;  In the case of red wine, a maximum of 20 milliequivalents per litre.
Total sulphur dioxide	In the case of wine with more than 45 grams per litre of residual sugar, a maximum of 300 milligrams per litre;  In the case of red wine with less than 45 grams per litre but not less than 5 grams per litre of residual sugar, a maximum of 200 milligrams per litre;  In the case of white or rosé wine with less than 45 grams per litre, but not less than 5 grams per litre of residual sugar, a maximum of 250 milligrams per litre;  In the case of red wine with less than 5 grams per litre of residual sugar, a maximum of 150 milligrams per litre;  In the case of white or rosé wine with less than 5 grams per litre of residual sugar, a maximum of 200 milligrams per litre.
Free sulphur dioxide	In the case of a dry wine, a maximum of 45 milligrams per litre;  In the case of any other wine, a maximum of 60 milligrams per litre.
Copper	A maximum of 0.5 milligrams per litre.
Iron	A maximum of 8 milligrams per litre.
Sterility	There must be no indication of yeasts or bacteria likely to cause spoilage.
Protein stability	The wine must remain unchanged in appearance after being held at 70°C for 15 minutes and subsequently cooled to 20°C.

**Applicable requirements for quality sparkling wine**

- 4.—(1) The applicable requirements for quality sparkling wine are as follows.
- (2) The wine must come from a batch of wine—
- (a) for which the maximum yield for each hectare of land cultivated with vines for producing the wine was 80 hectolitres;
  - (b) that is produced in the protected designation of origin from vines of any of the following varieties—
    - (i) Chardonnay;
    - (ii) Pinot Noir;
    - (iii) Pinot Noir Précoce;
    - (iv) Pinot Meunier;
    - (v) Pinot Blanc;
    - (vi) Pinot Gris;
  - (c) that—
    - (i) is produced from cuveés with a total alcoholic strength of 9% or more by volume;
    - (ii) has been obtained by first or second alcoholic fermentation of fresh grapes, grape must or wine;
    - (iii) has been subject to secondary fermentation in the bottle;
    - (iv) has had a minimum of nine months of uninterrupted secondary fermentation within the same undertaking on the yeast lees, which have subsequently been removed by disgorgement;
    - (v) when the container is opened, releases carbon dioxide derived exclusively from fermentation; and
    - (vi) has been organoleptically tested to be free from taints and other faults; and
  - (d) that meets the standards set out in the following table.

**Standards for quality sparkling wine (PDOs)**

<i>Factor</i>	<i>Standard to be met</i>
Natural alcohol	A minimum of 6% before enrichment of the must.
Actual alcoholic strength	A minimum of 10%.
Total acidity	A minimum of 4 grams per litre expressed as tartaric acid.
Volatile acidity	A maximum of 18 milliequivalents per litre;
Total sulphur dioxide	A maximum of 185 milligrams per litre.
Copper	A maximum of 0.5 milligrams per litre.
Iron	A maximum of 8 milligrams per litre.
Chill stability	There must be no crystal deposits when the wine is held at 2°C for 36 hours.
Pressure	The wine must be at a pressure of not less than 3.5 bars when measured at 20°C, but this

<i>Factor</i>	<i>Standard to be met</i>
	requirement does not apply when it is in 25 centilitre bottles.

## EXPLANATORY NOTE

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

These Regulations enforce in the United Kingdom—

[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 (OJ No L 149, 14.6.1991, p.1);

the provisions of [Council Regulation \(EC\) No 1234/2007](#) establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) relating to wine (OJ No L 299, 16.11.2007, p.1);

[Commission Regulation \(EC\) No 555/2008](#) laying down detailed rules for implementing [Council Regulation \(EC\) No 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 L 170, 30.6.2008, p.1);

[Commission Regulation \(EC\) No 436/2009](#) laying down detailed rules for the application of [Council Regulation \(EC\) No 479/2008](#) as regards the vineyard register, compulsory declarations and the gathering of information to monitor the wine market, the documents accompanying consignments of wine products and the wine sector registers to be kept (OJ No L 128, 27.5.2009, p.15);

[Commission Regulation \(EC\) No 606/2009](#) laying down certain detailed rules for implementing [Council Regulation \(EC\) No 479/2008](#) as regards the categories of grapevine products, oenological practices and the applicable restrictions (OJ No L 193, 24.7.2009, p.1);

[Commission Regulation \(EC\) No 607/2009](#) of 14 July 2009 laying down certain detailed rules for the implementation of [Council Regulation \(EC\) No 479/2008](#) as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products (OJ No L 193, 24.7.2009, p.60).

These are defined as “the European Regulations” in [regulation 2](#).

[Regulation 3](#) sets out the enforcement authority for the purposes of the European Regulations and [regulation 4](#) sets out the competent authority.

[Regulation 5](#) requires those who plant more than 0.1ha of vines and are not already registered to register with the Food Standards Agency.

[Regulation 6](#) and Schedules 1 and 2 set out the requirements for protected geographical indications and protected designations of origin.

[Regulations 8 to 17](#) set out enforcement related provision. In particular, [regulation 14](#) creates offences in relation to breach of the European Regulations and [regulation 15](#) sets out the penalties on conviction.

[Regulation 18](#) requires the Secretary of State to review these Regulations and publish a report at a maximum interval of every five years.

Regulation 19 makes amendments consequential on repeals made by the European Regulations.

An impact assessment for this instrument has not been produced as no impact on the private, voluntary or public sectors is foreseen.