

2019 No. 524

AGRICULTURE

The Wine (Amendment) Regulations 2019

Made - - - - *7th March 2019*

Laid before Parliament *8th March 2019*

Coming into force - - *28th March 2019*

The Secretary of State makes these Regulations in accordance with the powers conferred by section 2(2) of the European Communities Act 1972(a), being a Minister designated(b) for the purposes of section 2(2) of that Act in relation to the common agricultural policy.

The Secretary of State has consulted as required by 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(c).

Citation and commencement

1. These Regulations may be cited as the Wine (Amendment) Regulations 2019 and come into force on 28th March 2019.

Amendment of the Wine Regulations 2011

2. The Wine Regulations 2011(d) are amended in accordance with regulations 3 to 9.

Amendments of regulation 2 (interpretation)

3.—(1) Regulation 2 (interpretation) is amended as follows.

(2) In paragraph (2), before “authorised officer”, insert—

““the Agency” means—

- (a) in relation to England, Wales and Northern Ireland, the Food Standards Agency; or
- (b) in relation to Scotland, Food Standards Scotland.”.

(a) 1972 c. 68. Section 2 was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3 of and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7). 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.

(b) S.I. 1972/1811.

(c) OJ No L 31, 1.2.2002, p. 1, to which there are amendments not relevant to these Regulations.

(d) S.I. 2011/2936. The Regulations were amended by S.I. 2012/2897, 2013/3235, 2014/312, 2014/1855 and 2018/942.

(3) For the definition of “the European Regulations”, substitute—

““the European Regulations” means—

- (a) 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^(a),
- (b) the provisions of Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (“Regulation (EU) 2013”)^(b),
- (c) Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products^(c),
- (d) Commission Delegated Regulation (EU) 2017/670 supplementing Regulation (EU) No 251/2014 of the European Parliament and of the Council as regards the authorised production processes for obtaining aromatised wine products^(d),
- (e) Commission Delegated Regulation (EU) 2018/273 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information^(e) (“Commission Regulation (EU) 2018/273”),
- (f) Commission Implementing Regulation (EU) 2018/274 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, certification, the inward and outward register, compulsory declarations and notifications, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks^(f) (“Commission Implementing Regulation (EU) 2018/274”),
- (g) Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation^(g),
- (h) Commission Implementing Regulation (EU) 2019/34 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks^(h)”.

Amendments to regulation 3 (official functions and enforcement)

4.—(1) Regulation 3 (official functions and enforcement) is amended as follows.

(2) In paragraphs (2) and (5), omit “Food Standards”.

(a) OJ L 193, 24.7.2009, p. 1-59.
(b) OJ L 347, 20.12.2013, p. 671-854.
(c) OJ L 84, 20.3.2014, p. 14-34.
(d) OJ L 97, 8.4.2017, p. 5-8.
(e) OJ L 58, 28.2.2018, p. 1-59.
(f) OJ L 58, 28.2.2018, p. 60-95.
(g) OJ L 9, 11.1.2019, p. 2-45.
(h) OJ L 9, 11.1.2019, p. 46-76.

(3) In paragraph (4), for “The Department of Agriculture and Rural Development”, substitute “The Department of Agriculture, Environment and Rural Affairs”.

Amendments to regulation 4 (the competent authority)

5.—(1) Regulation 4 (the competent authority) is amended as follows.

(2) In paragraph (2)(a)—

(a) omit “Food Standards”;

(b) at the end of paragraph (ii) omit “and”;

(c) for paragraph (iii) substitute—

“(iii) Article 12 of Commission Implementing Regulation (EU) 2018/274; and”;

(d) after paragraph (iii) (as substituted by sub-paragraph (c)) insert—

“(iv) Article 19 of Commission Regulation (EU) 2018/273.”.

(3) In paragraph (2)(b), for “Article 44 of Commission Regulation (EC) 436/2009”, substitute “Article 19 of Commission Implementing Regulation (EU) 2018/274”.

Amendments to Part 2

6.—(1) Part 2 is amended as follows.

(2) In the heading to Part 2 for “registers” substitute “information”.

(3) For regulation 5 (information to be provided for the purposes of the vineyard register) substitute—

“Information to be provided about the vineyard

5.—(1) 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, must notify the Agency of the location of the vineyard and the variety or varieties of grape vine planted.

(2) The notification required by paragraph (1) must be given within 6 months of the date of the event which triggered that requirement.”.

Amendment to regulation 7 (disclosure of information)

7.—(1) Regulation 7 (disclosure of information) is amended as follows.

(2) In paragraph (1) omit “Food Standards”.

Amendment to regulation 13 (appeals against notices etc)

8.—(1) Regulation 13 (appeals against notices etc) is amended as follows.

(2) In paragraph (2) omit “Food Standards”.

Amendment to regulation 14 (offences)

9.—(1) Regulation 14 is amended as follows.

(2) For paragraph (1)(e) substitute—

“(e) Article 29 of Commission Regulation (EU) 2018/273 (which requires operations to be recorded in the register).”.

7th March 2019

David Rutley
Parliamentary Under Secretary of State for Food and Animal Welfare
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wine Regulations 2011 (S.I. 2011/2936) (“the Regulations”).

Regulation 3 updates the definitions of “the European Regulations”, in particular to include references to Commission Implementing Regulation (EU) 2018/34 (sub-paragraph (e)), Commission Delegated Regulation (EU) 2018/273 (sub-paragraph (f)), Commission Implementing Regulation (EU) 2018/274 (sub-paragraph (g)), and Commission Delegated Regulation (EU) 2019/33 (sub-paragraph (h)). Regulations 5 and 9 also update references to the European Regulations.

Regulation 3 also inserts a new definition of “the Agency”, which means the Food Standards Agency, or, in Scotland, Food Standards Scotland, and regulations 4, 5, 7 and 8 make amendments as a consequence of that new definition. Regulation 3 also updates a reference to the Northern Ireland Department responsible for enforcing the Regulations in relation to import and export.

Regulation 6 removes references to a vineyard register and also provisions requiring action by specified dates which have now passed.

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

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