WELSH STATUTORY INSTRUMENTS

2006 No. 1716

The Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2006

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2006. These Regulations come into force on 1 July 2006 and apply in relation to Wales.

(2) In these Regulations "the 2001 Regulations" ("*y prif Reoliadau*") mean the Common Agricultural Policy (Wine) (Wales) Regulations 2001(**1**).

Amendment of the 2001 Regulations

2.—(1) The 2001 Regulations are amended as follows.

(2) In each of the provisions specified in paragraph (3), for the words "Wine Standards Board", wherever occurring, substitute the word "Agency".

(3) The provisions referred to in paragraph (2) are—

(a) the definition of "enforcement authority" ("*awdurdod gorfodi*") in regulation 2(1);

(b) regulations 3(1), (3), and (4), 8(3) and 9(4) and

(c) regulation 18 and in the Welsh text of that regulation substituting "ei ddynodi" for "ei dynodi".

(4) In regulation 2(1)—

(a) insert at the appropriate place the following definition—

""the Agency" ("*yr Asiantaeth*") means the Food Standards Agency;"; and

(b) omit the definition of "the Wine Standards Board".

(5) In regulation 2(1)—

(a) For the definition of "the Commissioners" ("*y Comisiynwyr*") substitute ""the Commissioners" means the Commissioners for Revenue and Customs;";

(b) For the definition of "Council Regulation (EC) No 1493/1999" ("*Reoliad y Cyngor (EC) Rhif 1493/1999*") substitute ""Council Regulation (EC) No. 1493/1999" means Council Regulation (EC) No. 1493/1999(**2**) on the common organisation of the market in wine, as last amended by Commission Regulation (EC) No. 1795/2003(**3**), and references in Schedules 2 and 5 to "Regulation 1493/1999" are to be construed accordingly;";

(c) Insert the following definitions in their appropriate alphabetical places—

""Commission Regulation (EEC) No. 2676/90" ("*Rheoliad y Comisiwn (EEC) Rhif 2676/90*") means Commission Regulation (EEC) No. 2676/90(**4**) determining

(**1**) S.I. 2001/2193, amended by S.I. 2003/1776, 2004/2599.
(**2**) OJ No. L 179, 14.7.99, p.1.
(**3**) OJ No. L 262, 14.10.2003, p.13.
(**4**) OJ No. L 272, 3.10.90, p.1.

Community methods for the analysis of wines, as last amended by Commission Regulation (EC) No. 355/2005(**5**);";

""Commission Regulation (EC) No. 1622/2000" ("*Rheoliad y Comisiwn (EC) Rhif 1622/2000*") means Commission Regulation (EC) No. 1622/2000(**6**) laying down certain detailed rules for implementing Regulation (EC) No. 1493/1999 on the common organisation of the market in wine and establishing a Community code on oenological practices and processes, as last amended by Commission Regulation (EC) No. 1428/2004(**7**), and references in Schedules 2 and 5 to "Regulation 1622/2000" are to be construed accordingly;";

""Commission Regulation (EC) No. 1623/2000" ("*Rheoliad y Comisiwn (EC) Rhif 1623/2000*") means Commission Regulation (EC) No. 1623/2000(**8**) laying down detailed rules for implementing Regulation (EC) No. 1493/1999 on the common organisation of the market in wine with regard to market mechanisms, as last amended by Commission Regulation (EC) No. 1774/2004(**9**), and the reference in Part I of Schedule 2 to "Regulation 1623/2000" is to be construed accordingly;";

""Commission Regulation (EC) No. 883/2001" ("*Rheoliad y Comiswn (EC) 883/2001*") means Commission Regulation (EC) No. 883/2001(**10**) laying down detailed rules for implementing Council Regulation (EC) No. 1493/1999 as regards trade with third countries in products in the wine sector, as last amended by Commission Regulation (EC) No. 908/2004(**11**), and the reference in Part V of Schedule 2 to "Regulation 883/2001" is to be construed accordingly;";

""Commission Regulation (EC) No. 884/2001" ("*Rheoliad y Comisiwn (EC) Rhif 884/2001*") means Commission Regulation (EC) No. 884/2001(**12**) laying down detailed rules of application concerning the documents accompanying the carriage of wine products and the records to be kept in the wine sector, as last amended by Commission Regulation (EC) No. 908/2004, and the reference in Part I of Schedule 2 to "Regulation 884/2001" is to be construed accordingly;";

""Commission Regulation (EC) No. 753/2002" ("*Rheoliad y Comisiwn (EC) Rhif 753/2002*") means Commission Regulation (EC) No. 753/2002(**13**) laying down certain rules for applying Council Regulation (EC) No. 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products, as last amended by Commission Regulation (EC) No. 1991/2004(**14**);";

""Council Regulation (EEC) No. 2392/86" ("*Rheoliad y Cyngor (EEC) Rhif 2392/86*") means Council Regulation (EEC) No. 2392/86(**15**) establishing a Community vineyard register, as last amended by Council Regulation (EC) No. 1631/98(**16**), and the reference in Part VII of Schedule 2 to "Regulation 2392/86" is to be construed accordingly;".

(6) In regulation 3(5), omit the words "the Wine Standards Board or".

(7) Substitute regulation 10 with the following regulation—

(**5**) OJ No. L 56, 2.3.2005, p.3.
(**6**) OJ No. L 194, 31.7.2000, p.1.
(**7**) OJ No. L 263, 10.8.2004, p.7.
(**8**) OJ No. L 194, 31.7.2000, p.45.
(**9**) OJ No. L 316, 15.10.2004, p.61.
(**10**) OJ No. L 128, 10.5.2001, p.1.
(**11**) OJ No. L 163, 30.4.2004, p.56.
(**12**) OJ No. L 128, 10.5.2001, p.32.
(**13**) OJ No. L 118, 4.5.2002, p.1.
(**14**) OJ No. L 344, 20.11.2004, p.9.
(**15**) OJ No. L 208, 31.7.86, p.1.
(**16**) OJ No. L 210, 28.7.98, p.14.

"**Review of prohibitions etc on movement of wine-sector products**

10.—(1) This regulation applies where an authorised officer of the Agency—

(a) has given a notice under regulation 8(2) ("a regulation 8 notice"); or

(b) has refused to give consent to the movement of a controlled wine-sector product under regulation 9 ("a regulation 9 refusal").

(2) A person to whom a regulation 8 notice has been given, or who has been refused consent under regulation 9, may request a review of the notice or the refusal.

(3) A request made by a person under paragraph (2) is to be made to the Agency within 6 months of the receipt of the regulation 8 notice or regulation 9 refusal.

(4) Where a regulation 8 notice or regulation 9 refusal is sent by post in a properly addressed, pre-paid envelope then, unless the contrary is proved, the notice or refusal, as the case may be, is deemed to have been received on the next working day where it is sent by first class post and on the next but one working day where it is sent by second class post.

(5) Where a request is made under paragraph (2) within the period specified in paragraph (3) —

(a) the Agency must nominate a person from the list established under paragraph (6) to determine whether the regulation 8 notice or regulation 9 refusal, as the case may be, should stand;

(b) the person nominated must give the person and the Agency an opportunity to make representations on the matter; and

(c) the person nominated must, within 1 month of being nominated, decide whether the regulation 8 notice or regulation 9 refusal should stand and must notify the applicant and the Agency of his or her decision.

(6) The Agency must establish and maintain a list of people who may be nominated for the purposes of conducting a review under this regulation and must consult those organisations appearing to it to represent the wine industry before including any person on the list.".

(8) Substitute the Schedule set out in Schedule 1 to these Regulations for Schedule 1.

(9) In Schedule 2—

(a) the items set out in Part 1 of Schedule 2 to these Regulations are substituted for items 1 and 2 of the table set out in Part III of Schedule 2;

(b) the item set out in Part 2 of Schedule 2 to these Regulations is substituted for item 12 of the table set out in Part V of Schedule 2; and

(c) the number "1999" is substituted for the number "2000" in the first column of item 12 of the table set out in Part V of Schedule 2.

(10) The following entries are inserted in Schedule 3 in their appropriate alphabetical places—

"Gamay	Black
Gewurztraminer	White"

Transitional provisions

3.—(1) Anything done by or in relation to the Wine Standards Board in the exercise of its functions under the 2001 Regulations before the coming into force of these Regulations has effect as if done by or in relation to the Food Standards Agency.

(2) Anything which at the time of the coming into force of these Regulations is in the process of being done by or in relation to the Wine Standards Board in the exercise of its functions under the 2001 Regulations may be continued by or in relation to the Food Standards Agency.

(3) Any reference to the Wine Standards Board in any document relating to anything to which paragraph (1) or (2) applies, so far as necessary for giving effect to those provisions, is to be construed as a reference to the Food Standards Agency.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**17**)

D. Elis-Thomas
28 June 2006 The Presiding Officer of the National Assembly

(**17**) 1998 c 38.