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STATUTORY INSTRUMENTS

2009 No. 386

AGRICULTURE, ENGLAND

The Wine Regulations 2009

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CONTENTS

PART 1

Introduction

1. Title, application and commencement
2. Interpretation and revocation

PART 2

General Provisions

3. Official functions and enforcement
4. Offences in Schedule 1
5. Table wines with a geographical indication and quality wines psr
6. Accreditation as an organiser of an organoleptic assessment panel
7. Powers of authorised officers
8. Control on movement
9. Consent to movement
10. Review of prohibitions etc on movement of wine-sector products
11. Power to require analysis or examination
12. Movement of a controlled wine-sector product
13. Obstruction
14. Offences and penalties
15. Offences by officers of bodies corporate
16. Defence of due diligence
17. Revocations

-
- SCHEDULE 1 — Relevant Community provisions
- PART 1 — Documents and Records
 - PART 2 — Description and Presentation
 - PART 3 — Production and Control of Planting
 - PART 4 — Oenological Processes and Procedures, and Conditions for Release to the Market in Regulation 1493/99
 - PART 5 — Vineyard Register
 - PART 6 — Aromatized Wine
- SCHEDULE 2 — Table wine with a geographical indication
- SCHEDULE 3 — Quality wine psr

The Secretary of State is a Minister designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Community, and makes these Regulations under that section.

PART 1

Introduction

Title, application and commencement

1. These Regulations may be cited as the Wine Regulations 2009; they apply in England and come into force on 30th March 2009.

Interpretation and revocation

2. In these Regulations—

“the Agency” means the Food Standards Agency;

“analysis” includes microbiological assay and any technique for establishing the composition of food;

“authorised officer” means any person (whether or not an officer of an enforcement authority) who is authorised for the purposes of these Regulations by an enforcement authority or, in relation to any particular provision of these Regulations, any person who is authorised by an appropriate enforcement authority for the purposes of that provision;

“the Commissioners” means the Commissioners for Revenue and Customs;

“controlled wine-sector product” means any wine-sector product the movement of which is prohibited under regulation 8;

“enforcement authority” means—

- (a) the Commissioners or the Agency;
- (b) the Secretary of State;
- (c) the local authority;

“examination” means microbiological examination;

(a) S. I. 1972/1811.
(b) 1972 c. 68.

“food analyst” and “food examiner” mean, a person who is a food analyst or a food examiner for the purposes of section 30 of the Food Safety Act 1990(a);

“local authority” means 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;

“manufacturing” means using wine or other wine-sector products, for the purpose of a trade or business (other than a catering business), in the composition, manufacture or preparation of any product;

“quality wine psr” has the meaning assigned to it by Article 54 of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine(b);

“Regulation 2392/86” means Council Regulation (EEC) No 2392/86 establishing a Community vineyard register(c);

“Regulation 2676/90” means Commission Regulation (EEC) No 2676/90 determining Community methods for the analysis of wines(d);

“Regulation 1601/91” means 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(e)

“Regulation 1493/99” means Council Regulation (EC) No 1493/99 on the common organisation of the market in wine;

“Regulation 1607/2000” means Commission Regulation (EC) No. 1607/2000 laying down detailed rules for implementing Regulations (EC) No. 1493/1999 on the common organisation of the market in wine, in particular the Title relating to quality wine produced in specified regions(f);

“Regulation 884/2001” means Commission Regulation (EC) No 884/2001 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(g);

“Regulation 1282/2001” means Commission Regulation (EC) No 1282/2001 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 as regards the gathering of information to identify wine products and to monitor the wine market(h);

“Regulation 753/2002” means Commission Regulation (EC) No 753/2002 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(i);

“Regulation 423/2008” means Commission Regulation (EC) No 423/2008 on laying down certain detailed rules for implementing Council Regulation (EC) No. 1493/1999 and establishing a Community code of oenological practices and processes(j);

“Regulation 479/2008” means Council Regulation (EC) No 479/2008 on the common organisation of the market in wine(k);

“relevant Community provision” means any Community provision referred to in column 1 of Schedule 1, the subject matter of which is described in column 2 of that Schedule;

(a) 1990 c. 16.

(b) OJ No L179, 14.7.1999, p. 1 as last amended by Council Regulation (EC) No 1332/2008 (OJ No L 354, 31.12.2008, p. 7).

(c) OJ No L208, 31.7.1986, p. 1 as last amended by Council Regulation (EC) No 1631/98 (OJ No L210, 28.7.1998, p. 14).

(d) OJ No L 272, 3.10.1990, p. 1 as last amended by Commission Regulation (EC) No 1293/2005 (OJ No L 205, 6.8.2005, p. 12).

(e) OJ No L149, 14.6.1991, p. 1 as last amended by the Regulation (EC) No 1334/2008 of the European Parliament and of the Council (OJ No L 354, 31.12.2008, p. 34).

(f) OJ No L 185, 25.7.2000, p. 17 as last amended by Commission Regulation (EC) No 2030/2006 (OJ No L 414, 30.12.2006, p. 40).

(g) OJ No L128, 10.5.2001, p. 32 as last amended by Commission Regulation (EC) No. 2016/2006 (OJ No L 384, 29.12.2006, p. 38)..

(h) OJ No L 176, 29.6.2001, p. 14 as last amended by .Commission Regulation (EC) No 23/2009 (OJ No L 10, 15.1.2009, p. 6).

(i) OJ No L118, 4.5.2002, p. 1 as last amended by Commission Regulation (EC) No. 1471/2007 (OJ No L329, 14.12.2007, p. 9).

(j) OJ No L127, 15.5.2008, p. 13 as last amended by Commission regulation (EC) No 1087/2008 (OJ No L 297, 6.11.2008, p. 11).

(k) OJ No L148, 6.6.2008, p. 1 as last amended by Council Regulation (EC) No 72/2009 (OJ No L 30, 31.1.2009, p. 1).

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

“wine-sector product” for the purposes of these Regulations, includes any aromatized wine.

PART 2

General Provisions

Official functions and enforcement

3.—(1) The local authority must enforce these Regulations in so far as they relate to retail sale.

(2) The Secretary of State, the Commissioners and the Agency must enforce these Regulations in so far as they relate to import and export.

(3) Otherwise the Agency or the Secretary of State must enforce these Regulations.

(4) Nothing in this regulation authorises the Commissioners to institute proceedings for an offence.

(5) The Secretary of State is the competent authority for the Council and Commission Regulations enforced by these Regulations.

Offences in Schedule 1

4. Any person who breaches any provision set out in Schedule 1 is guilty of an offence.

Table wines with a geographical indication and quality wines psr

5. Schedule 2 makes provision for table wines with a geographical indication, and Schedule 3 makes provision for quality wines psr.

Accreditation as an organiser of an organoleptic assessment panel

6.—(1) Any application for accreditation as an organiser of an organoleptic assessment panel must be made to the Secretary of State and must specify—

- (a) the criteria the applicant will use in selecting panel members;
- (b) the method of organoleptic assessment that the panel will use to determine whether wine submitted to it is of a satisfactory standard for regional wine; and
- (c) the basis on which that determination will be made.

(2) The Secretary of State must grant accreditation on being satisfied that—

- (a) the applicant is a fit and proper person to appoint such a panel;
- (b) the criteria that the applicant will use in selecting panel members will result in persons with a wide variety of interests in wine and the wine industry (which may include consumers of wine) being selected as members of the panel;
- (c) the method of organoleptic assessment is satisfactory; and
- (d) the basis on which a determination will be made by a panel as to whether the wine is of a satisfactory organoleptic standard for a regional wine is a satisfactory basis for making such a determination.

(3) The Secretary of State must notify the applicant within fourteen days of reaching the decision to accept or refuse the application.

(4) Where the application is refused, the notification must include the reason.

(5) The accreditation may be time-limited.

(6) An accredited organiser must select panel members in accordance with the criteria specified in the application and must require any panel to use the methods specified in the application.

(7) The Secretary of State may cancel the accreditation of an organiser of an organoleptic assessment panel if that person ceases to be a fit and proper person to organise a panel or has failed to comply with the requirements of paragraph (6).

(8) When an accreditation is cancelled the Secretary of State must serve on the organiser concerned notice of—

- (a) the decision;
- (b) the reason for the decision; and
- (c) the date when the cancellation takes effect.

(9) An accredited organiser may resign at any time.

(10) If an accreditation is cancelled, or an accredited organiser resigns, the panel appointed by that person is dissolved from the date of cancellation or resignation.

Powers of authorised officers

7.—(1) An authorised officer may, on producing a duly authenticated authorisation if required, at any reasonable time enter any land or vehicle (other than any land or a vehicle used solely as a dwelling), for the purpose of enforcing these Regulations or ascertaining whether there has been a breach of any relevant Community provision.

(2) An authorised officer who has entered any land or vehicle 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, 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 products; and
- (f) purchase or take samples of any wine-sector product and of anything which may be used in its preparation.

(3) An authorised officer who has procured a sample of any wine-sector product may analyse or examine that sample or have that sample analysed or examined.

(4) An authorised officer entering any land or vehicle by virtue of this regulation may be accompanied by such other person as is considered necessary or by a representative of the European Commission.

Control on movement

8.—(1) An authorised officer of the Agency who inspects any wine-sector product may prohibit its being moved if there is reason to believe—

- (a) there has been or may have been a breach of these Regulations in relation to that product; or
- (b) there is or may be a risk to public health in relation to that product.

(2) An officer who does so must, without delay, give to the person who appears to be in charge of the wine-sector product concerned notice in writing—

- (a) specifying the product concerned;

- (b) stating that the product may not be moved without the written consent of an authorised officer;
- (c) specifying the provision that has been or may have been breached; and
- (d) specifying whether it would be practicable for steps to be taken to demonstrate to the officer that there is no longer any reason for that belief and, if so, what those steps should be.

(3) Where such a notice is given that notice must also contain information of the recipient's right, conferred by regulation 10, to have the giving of that notice reviewed, and as to how that right may be exercised, and of the effect of exercising that right.

(4) If the person to whom the officer gives the notice does not appear to the officer to be the owner of the wine-sector product concerned or an agent, contractor or employee of the owner, the officer must use best endeavours to bring the contents of the notice to the attention of such a person as soon as possible.

(5) An authorised officer of the Agency may affix to any wine-sector product in relation to which the power conferred by paragraph (1) has been exercised, or to any container in which the wine-sector product is packed, labels warning of the exercise of the power.

(6) An authorised officer of the Agency who is satisfied that the steps specified in the notice under paragraph (2)(d) have been taken must immediately remove the prohibition on movement.

Consent to movement

9.—(1) An authorised officer of the Agency may, at any time, give written consent to the movement of a controlled wine-sector product.

(2) An authorised officer of the Agency must, upon request, give written consent to the movement of a controlled wine-sector product if that officer, or another authorised officer of the Agency, has been given a written undertaking to the effect that the wine-sector product—

- (a) will be moved to a place approved by an authorised officer of the Agency; and
- (b) will not be moved from that place without the written consent of an authorised officer of the Agency.

(3) A consent given under this regulation must—

- (a) specify the wine-sector product to which it relates; and
- (b) state that the wine-sector product continues to be controlled.

(4) An officer who has been requested to give a consent under this regulation, and who refuses to do so, must communicate that refusal in writing together with written notice of the right, conferred by regulation 10, to have that refusal reviewed, and an explanation as to how that right may be exercised and the effect of exercising that right.

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); or
- (b) has refused to give consent to the movement of a controlled wine-sector product under regulation 9(4).

(2) A person to whom a notice has been given under regulation 8, 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) must be made to the Agency within 6 months of the receipt of the regulation 8 notice or regulation 9 refusal.

(4) 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 this regulation to determine whether the regulation 8 notice or regulation 9 refusal 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 the decision.

(5) 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.

Power to require analysis or examination

11.—(1) The court before which any proceedings are brought for an offence under these Regulations may, if it thinks fit for the purposes of the proceedings, cause anything that is the subject of the proceedings, and, if it has already been analysed or examined, is capable of being further analysed or examined, to be sent to a food analyst or food examiner, who must make such analysis or examination as is appropriate and send to the court a certificate of the result, and the costs of the analysis or examination must be paid by the prosecutor or the person charged as the court may order.

(2) If in a case in which an appeal is brought no action has been taken under paragraph (1) as respects a particular article, the provisions of that paragraph apply as respects that article in relation to the court by which the appeal is heard.

(3) Any certificate of the results of an analysis or examination, which, in the course of proceedings is sent by a food analyst or food examiner under this regulation, must be signed by that food analyst or food examiner, but the analysis or examination may be made by any person acting under the direction of the person by whom the certificate is signed.

(4) In any proceedings under these Regulations, the sending to the court under this regulation or production by one of the parties—

- (a) of a document purporting to be a certificate given by a food analyst or food examiner, or
- (b) of a document supplied by the other party as being a copy of such a certificate,

is sufficient evidence of the facts stated in it unless any party to the proceedings requires that the person by whom the certificate is signed be called as a witness.

Movement of a controlled wine-sector product

12.—(1) Any person who, knowing a wine-sector product to be a controlled wine-sector product—

- (a) moves it, or
- (b) causes it to be moved,

without the written consent of an authorised officer is guilty of an offence.

(2) Any person who, knowing a wine-sector product to be a controlled wine-sector product—

- (a) removes from it, or
- (b) causes to be removed from it,

a label which has been affixed under regulation 8(5) is guilty of an offence.

(3) Any person who fails to comply with an undertaking given for the purposes of regulation 9(2) is guilty of an offence.

Obstruction

13. Any person who—

- (a) intentionally obstructs an authorised officer acting in the execution of these Regulations,
- or

- (b) fails to give to any such officer any assistance or information or to provide any facilities which that officer may reasonably require,

is guilty of an offence.

Offences and penalties

14.—(1) Any person guilty of obstruction under regulation 13 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Any person guilty of an offence under a provision in Part 3 or 5 of Schedule 1 is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) Any person guilty of any other 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.

Offences by officers of bodies corporate

15.—(1) Where an offence under these Regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or a similar officer of the body corporate, or any person who was purporting to act in any such capacity, that person as well as the body corporate is guilty of that offence and is liable to be proceeded against and punished accordingly.

(2) For the purposes of this regulation, “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Defence of due diligence

16. In any proceedings for an offence under these Regulations it is a defence for the person charged to prove that that person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence, either by that person or by someone under that person’s direction or control.

Revocations

17. The following are revoked in England—

- (a) the Common Agricultural Policy (Wine) (England and Northern Ireland) Regulations 2001(a);
- (b) the Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2003(b);
- (c) the Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2004(c);
- (d) the Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2005(d);
- (e) the Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2006(e);
- (f) the Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2007(f).

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- (a) S. I. 2001/686.
 - (b) S. I. 2003/114.
 - (c) S. I. 2004/1046.
 - (d) S. I. 2005/2922.
 - (e) S. I. 2006/1499.
 - (f) S. I. 2007/1943.

25th February 2009

Jane Kennedy
Minister of State
Department for Environment, Food and Rural Affairs

SCHEDULE 1

Regulation 4

Relevant Community provisions

PART 1

Documents and Records

<i>Relevant Community provision</i>	<i>Subject matter</i>
Regulation 884/2001:	
Article 3	Preparation of accompanying documents
Article 5	Additional information following requirements of the enforcing authority
Article 6(2)	Requirement that the document may only be used for a single transport operation
Article 6(3)	Indication of the date on which transport commenced
Article 10 last paragraph	Forwarding the consignment document to the competent authority
Article 11(1) and (3)	Records generally
Articles 12 to 15	Details of records
Article 16(1)	Time that records must be made
Article 19	Time that accompanying documents and records must be kept
Regulation 1493/1999:	
Article 18 as read with	
Article 2(1) of Regulation 1282/2001	Harvest declaration ^(a)
Article 4(1) of Regulation 1282/2001	Production, etc. declaration ^(a)

^(a) For the purposes of Article 11 of Regulation 1282/2001 the declaration must take into account the quantities held at 1st December in that year.

PART 2

Description and Presentation

<i>Relevant Community provision</i>	<i>Subject matter</i>
Regulation 1493/99:	
Article 48	Description and presentation of products
Article 49(1)	Sale, placing on the market and export of products
Article 51(2)	Use of a designation for wines with a geographical indication
Article 52	Use of a protected designation
Annex VII point A	Compulsory particulars in labelling and sales descriptions
Annex VII point B	Optional particulars
Annex VII, point C, paragraph 1	Use of the term “wine” and “table wine”
Annex VII point C, paragraph 3	Designations
Annex VII point D paragraph 1	Languages on the labelling
Annex VII point E	Codes (codes may not be used in accordance with the last paragraph)
Annex VII point F	Brand names
Annex VII point G (1)	Placing on the market
Annex VIII point B	Compulsory particulars for sparkling wine
Annex VIII point C	Optional particulars for sparkling wine
Annex VIII point D	Detailed rules relating to compulsory particulars for sparkling wine
Annex VIII point E	Use of certain specific terms for sparkling wine
Annex VIII point F	Languages that may be used for labelling sparkling wine
Annex VIII point G paragraph 1	Presentation of sparkling wine
Annex VIII point G paragraph 2	Contents of sparkling wine type bottles
Annex VIII point G paragraph 4	More than one item of information for sparkling wine
Annex VIII point G paragraph 5	Labelling a package for sparkling wine
Annex VIII point H paragraph 1	Brand names for sparkling wine
Annex VIII point I paragraph 2	Description of sparkling wine
Annex VIII point I paragraph 3	Sales description of sparkling wine
Annex VIII point I paragraph 4	Composite names of sparkling wine
Annex VIII point I paragraph 5	Marking the cork of sparkling wine
Regulation 753/2002:	
Article 3	Presentation of compulsory particulars
Article 6	Optional particulars must not be misleading or cause confusion
Article 8	Prohibition on lead-based capsules or foil
Article 9 paragraphs 1 and 2 and Annex I	Reservation of certain types of bottle
Article 10	Particulars required for registers, accompanying documents and other documents
Article 11	Labelling of Title II products

<i>Relevant Community provision</i>	<i>Subject matter</i>
Article 12	Compulsory particulars for Title II products
Article 13	Optional particulars for Title II products
Article 14	Labelling with a geographic indication
Article 15	Use of name, address and occupation of those marketing the product
Article 16 ^(a)	Definitions for residual sugar expressions
Article 18	Indication of a vintage year
Article 19 and Annex II	Indication of vine variety
Article 21	Awards and medals
Article 24 and Annex III	Protection of traditional terms
Article 25(1)	Criteria for use of name of enterprise
Article 31 paragraph 3	Criteria for use of geographical unit smaller than specified region
Article 33(3)	Indication of the region of bottling
Article 34	General rules for labelling imported wine
Article 35	Names of third countries
Article 36 and Annex V	Imported wine with a geographical indication
Article 37	Other particulars that may be included on the labelling of imported wine with a geographical indication
Article 37b and Annex VIII	Particulars for imported liqueur wine, semi-sparkling wine, aerated semi-sparkling wine and sparkling wine
Article 38 paragraphs 1 to 3	Compulsory particulars for liqueur wine, semi-sparkling wine and aerated semi-sparkling wine
Article 39	Optional particulars for liqueur wines, semi-sparkling wines and aerated semi-sparkling wine
Article 41	Rules for aerated sparkling wine
Article 43 and Annex VII	Indication of a geographical unit other than a specified region
Article 45	Protection of traditional terms for sparkling wine; Criteria for use of geographical unit smaller than specified region for quality sparkling wine psr

^(a) For the purposes of Article 16(1)(b)(ii) (use of the term “medium dry”) the figure of 18 grams per litre applies where the total acidity of the wine expressed as grams of tartaric acid per litre is not more than 10 grams per litre below its residual sugar content.

PART 3

Production and Control of Planting

<i>Relevant Community provision</i>	<i>Subject matter</i>
Regulation 423/2008:	
Article 2	Prohibition on the use of table-grape varieties
Regulation 479/2008:	

<i>Relevant Community provision</i>	<i>Subject matter</i>
Articles 24(2) ^(a)	Restrictions on the planting, re-planting and grafting of certain vine varieties
Article 24(4)	Requirement to grub-up vine varieties specified in Article 24(1)(b)
Article 25(1)	Restriction on production to specified varieties
Article 25(2)	
Annex IV point 1	Use of the term “wine”
Annex IV point 2	Use of the term “new wine still in fermentation
Annex IV point 3	Use of the term “liqueur wine”
Annex IV point 4	Use of the term “sparkling wine”
Annex IV point 5	Use of the term “quality sparkling wine”
Annex IV point 6	Use of the term “quality aromatic sparkling wine”
Annex IV point 7	Use of the term “aerated sparkling wine”
Annex IV point 8	Use of the term “semi-sparkling wine”
Annex IV point 9	Use of the term “aerated semi-sparkling wine”
Annex IV point 10	Use of the term “grape must”
Annex IV point 11	Use of the term “partially fermented grape must”
Annex IV point 12	Use of the term “partially fermented grape must extracted from raisined grapes”
Annex IV point 13	Use of the term “concentrated grape must”
Annex IV point 14	Use of the term “rectified concentrated grape must”
Annex IV point 15	Use of the term “wine from raisined grapes”
Annex IV point 16	Use of the term “wine from overripe grapes”
Annex IV point 17	Use of the term “wine vinegar”
Article 25(4)	Prohibition on marketing
Article 82	Import requirements

(a) In accordance with Article 24(2) of Regulation 479/2008, the United Kingdom produces less than 50,000 hectolitres per wine year, and there is no classification under Article 24(1). Consequently, any variety (other than those specified in Article 24(1)(b)) that belongs to the species *Vitis vinifera* or comes from a cross between the species *Vitis vinifera* and other species of the genus *Vitis* is permitted.

PART 4

Oenological Processes and Procedures, and Conditions for Release to the Market in Regulation 1493/99

<i>Relevant Community provision</i>	<i>Subject matter</i>
Regulation 1493/99 (each provision must be read in accordance with the provisions of Regulation 423/2008 in the second column):	Provision of Regulation 423/2008 relating to the provisions of Regulation 1493/99:
Article 42(2), (3) and (6)	Article 42 Oenological practices and processes
Article 43	Details of oenological practices and processes

<i>Relevant Community provision</i>		<i>Subject matter</i>
Annex IV paragraph 1	Article 5 and Annex IV Article 8 Article 9 Article 10 and Annex VI Article 11 and Annex VII Article 12 and Annex VIII	Permitted oenological practices for fresh grapes, etc.
Annex IV paragraph 2	Article 13 and Annex IX	Permitted oenological practices for grape must for the manufacture of rectified concentrated grape must
Annex IV paragraph	Article 7 and Annex V Article 8 Article 10 and Annex VI Article 11 and Annex VII Article 12 and Annex VIII Article 14 Article 15 Article 16 Article 17 and Annexes IV and X	Permitted oenological practices for grape must intended for wine production
Annex IV paragraph 4	Article 18 and Annex XI Article 19 and XII Article 20 Article 21 Article 22 and Annex XIII	Oenological practices for certain products
Annex V paragraph A	Article 23 and Annex XIV and XV	Sulphur dioxide content
Annex V paragraph B	Article 24 and Annex XVI	Volatile acid content in wine
Annex V paragraph C	Article 27 and Annex XVII	Enrichment limit (note: wine-growing zones are specified in Annex III of Regulation 1493/1999)
Annex V paragraph D	Article 26	Permitted enrichment processes
Annex V paragraph E	Article 31 and Annex XVIII	Limits on acidification and deacidification
Annex V paragraph F	Article 35 Article 36	Permitted sweetening methods and limits

<i>Relevant Community provision</i>		<i>Subject matter</i>
Annex V paragraph G	Article 29 Article 30 Article 32 Article 33 and Annex XIX Article 35	Permitted times for enrichment processes, acidification and deacidification
Annex V paragraph H	Article 28	Production of sparkling wine (no rules have been established in England under paragraph H(4))
Annex V paragraph I	Article 4 and Annex III Article 28	Production of quality sparkling wine
Annex V paragraph J	Article 25 Article 37 Article 40 and Annex XX Article 41 and Annex XXI and XXI(B) Article 43	Production of liqueur wine
Annex VI paragraph D		Production of quality wine in a processing area
Annex VI paragraph G	Article 35	Acidification, deacidification and sweetening
Annex VI paragraph H		Enrichment, acidification and deacidification
Annex VI paragraph K	Article 4 and Annex III Article 28	Quality sparkling wine psr
Annex VI paragraph L		Further provisions for liqueur wine
Article 44(1)		Wine that may be offered or delivered for direct human consumption
Article 44(2)		Restriction on the use of specified wine
Article 44(4) (subject to Article 44(6))		Use of grape must with fermentation arrested
Articles 44(5) (subject to Article 44(6))		Use of grape juice
Article 44(7)		Wine with low alcohol
Article 44(8)		Use of wine lees or grape marc
Article 44(9)		Use of piquette
Article 44(10)		Wine fortified for distillation
Article 44(11)		Grape must, etc., in fermentation

<i>Relevant Community provision</i>	<i>Subject matter</i>
Article 44(12) to (14)	Restriction on the use of products originating in third countries
Article 45(1)	Article 46 General rules relating to offer or disposal of certain products for direct human consumption
Oenological Processes and Procedures, and Conditions for Release to the Market in Regulation 423/2008	

<i>Relevant Community provision</i>	<i>Subject matter</i>
Regulation 423/2008:	
Article 6	Purity and identification of substances
Article 39	Method of coupage
Article 45	Wine produced before 1 August 2000
Article 46(2)	Holding and movement of controlled wine sector products

PART 5

Vineyard Register

<i>Relevant Community provision</i>	<i>Subject matter</i>
Regulation 2392/86:	
Articles 3 and 3a	Information concerning the vineyard register

PART 6

Aromatized Wine

<i>Relevant Community provisions</i>	<i>Subject matter</i>
Regulation 1601/91:	
Article 5 (the provisions of Part 4 of this Schedule apply in relation to the wine and must used for aromatized wine)	Permitted oenological practices and processes
Article 6	Restrictions on the use of descriptions
Article 7	Restrictions on the description and sale of aromatized drinks
Article 8	General rules relating to the labelling, presentation and advertising of aromatized wine, aromatized wine-based drinks and aromatized wine-product cocktails

<i>Relevant Community provisions</i>	<i>Subject matter</i>
Article 11	Export of aromatized wine, aromatized wine-based drinks and aromatized wine-product cocktails

SCHEDULE 2

Regulation 5

Table wine with a geographical indication

Geographical units

1. The Secretary of State may approve geographical units in England to be used as geographical indications for regional wine, and must publish them on the website of the Department for Environment, Food and Rural Affairs.

Geographical indications for table wine

2.—(1) It is an offence to use a geographical indication for the designation of a table wine produced in England unless the wine conforms to the standards for regional wine in this Schedule.

(2) The wine must comply with the Table in this Schedule.

(3) 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 produced exclusively from grapes harvested in the geographical unit the name of which is used for the designation of that wine;
- (c) that has a minimum natural alcoholic strength of 6%;
- (d) that has a minimum acidity of 4 grams per litre;
- (e) for which a certificate has been issued by the producer of the wine certifying that analytical tests of the wine in that batch have been carried out in respect of the factors specified in the table of standards in this Schedule and in accordance with Regulation 2676/90, and it has been found to satisfy those standards;
- (f) that has been found to be of a satisfactory organoleptic standard for a regional wine in accordance with sub-paragraph (5).

(4) A geographical indication also may be used to designate a table wine obtained by the coupage of wines as permitted by Article 51(2) of Regulation 1493/99.

(5) For the purposes of sub-paragraph (3)(f), a wine is of a satisfactory organoleptic standard for a regional wine if—

- (a) a certificate has been issued by a recognised organoleptic assessment panel certifying that it has carried out an organoleptic assessment of the wine and has found it to be of a satisfactory organoleptic standard for a regional wine; or
- (b) the wine has been highly commended or awarded a bronze, silver or gold award at a competition—
 - (i) authorised by the Secretary of State and notified to the Commission pursuant to Article 21 of Regulation 753/2002, and
 - (ii) run with complete impartiality.

(6) Subject to point A, paragraph 2, of Annex VII to Regulation 1493/99 (sales description), it is an offence to use a geographical indication other than the name of a geographical unit approved under paragraph 1 on the labelling or advertising of wine produced in England.

Table of standards for wine with a geographical indication

<i>Factor</i>	<i>Standard to be met</i>
Actual alcoholic strength by volume	A minimum of 8.5%
Total alcoholic strength by volume	(a) in the case of an enriched white wine, a maximum of 11.5%; (b) in the case of an enriched red or rosé wine, a maximum of 12%; and (c) in the case of any other wine, a maximum of 15%
Natural alcoholic strength by volume	A minimum of 6%
Total acidity	A minimum of 4 grams per litre expressed as tartaric acid
Volatile acidity	In the case of a sweet wine with 45 grams per litre or more of residual sugar, a maximum of 1.14 grams per litre expressed as acetic acid
Free sulphur dioxide	(a) in the case of a dry wine, a maximum of 45 milligrams per litre, and (b) in the case of any other wine, a maximum of 60 milligrams per litre
Total sulphur dioxide	(a) in the case of a red wine with less than 5 grams per litre of residual sugar, a maximum of 160 milligrams per litre; (b) in the case of red wine with 5 grams per litre or more of residual sugar, a maximum of 210 milligrams per litre; (c) in the case of a white or rosé wine with less than 5 grams per litre of residual sugar, a maximum of 210 milligrams per litre; and (d) in the case of a white or rosé wine with 5 grams per litre or more of residual sugar, a maximum of 260 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 liable to spoil the wine
Protein stability	The wine must remain unchanged in appearance after being held at 70°C for 15 minutes and subsequently cooled to 20°C

Quality wine psr

Placing on the market

1. It is an offence to use the term “quality wine psr” in relation to a wine produced in England unless it complies with this Schedule.

Specified regions

2. For the purposes of point A of Annex VI to Regulation 1493/99, “specified region” means English vineyards less than 220 metres above sea level.

Irrigation

3. Irrigation may only be carried out in accordance with an authorisation granted by the Agency.

Production

4.—(1) The wine must be —

- (a) produced in accordance with point D(1) of Annex VI to Regulation 1493/99.
- (b) treated in accordance with Point G of that Annex;
- (c) enriched, etc., in accordance with point H of that Annex;

(2) In accordance with point D(3) of that Annex, a quality wine psr may be produced in an area in immediate proximity to the specified region.

Minimum natural alcoholic strength

5. The minimum natural alcoholic strength is 6%.

Maximum yield

6. For the purposes of point I, paragraph 1, of Annex VI to Regulation 1493/1999, the maximum yield is 80 hectolitres per hectare.

Designation of competent body

7. Notwithstanding regulation 3 of these Regulations, the Agency is the competent body for the purposes of Article 56 of Regulation 1493/1999.

Analytical test

8. For the purposes of point J, paragraph 1(a) of Annex VI to Regulation 1493/1999 wine must be analysed in accordance with Regulation 2676/90 and must comply with the parameters in the following table.

Analytical tests

<i>Parameter</i>	<i>Value</i>
Alcoholic Strength	A minimum of 5.5% alcoholic strength for wines having a natural alcoholic strength of not less than 10%
	A minimum of 8.5% alcoholic strength for other wines

Reducing Sugars	No standard required to be met
Total Acidity	A minimum of 4 gram per litre expressed as tartaric acid
Volatile Acidity	A maximum volatile acid content as described in point B, paragraph 1(a), (b) or (c), of Annex V to Regulation 1493/1999 as read with Annex XVI to Regulation 423/2008.
pH	No standard required to be met
Free Sulphur Dioxide	A maximum of 45 milligrams per litre for dry wines as defined in Article 16(1)(a) of Regulation 753/2002 A maximum of 60 mg/l for other wines
Total Sulphur Dioxide	A maximum as defined in point A, paragraphs 1 and 2(a) and (b), of Annex V to Regulation 1493/1999
Copper	A maximum of 0.5 mg/l
Iron	A maximum of 8 mg/l
Sterility	There must be no indication of yeasts or bacteria liable to spoil the wine
Protein Stability	The wine must remain unchanged in appearance after being held at 70°C for 15 minutes and subsequently cooled to 20°C

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Common Agricultural Policy (Wine) (England and Northern Ireland) Regulations 2001, as amended, in so far as those Regulations apply in England.

The Regulations reflect those changes in the Community wine regime coming into force on 1st August 2008 made by—

Council Regulation (EC) No 479/2008 on the common organisation of the market in wine;

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 L170, 30.6.2008, p. 1).

The main change is that restrictions on the types of vine that may be used for wine-making are reduced.

As under the revoked Regulations, these Regulations enforce the Community provisions set out in regulation 2.

They make provision for the establishment of organoleptic panels for the assessment of wines.

They provide for enforcement mechanisms, including powers of inspectors to serve notices controlling movements of wines not complying with the Regulations.

They are enforced by the local authority, the Food Standards Agency, the Secretary of State or Her Majesty's Revenue and Customs as set out in regulation 3.

Breach of these Regulations is an offence punishable—

- (a) for obstruction of an authorised officer, with a fine not exceeding level 3 on the standard scale on summary conviction;
- (b) for breach of the provisions in regulation 14(2), with a fine not exceeding level 4 on the standard scale on summary conviction;
- (c) for all other provisions, a fine not exceeding the statutory maximum on summary conviction, or an unlimited fine for conviction on indictment.

This instrument implements the first phase of the reform of the Community wine regime, an impact assessment has been prepared and is available at www.defra.co.uk.

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