



STATUTORY INSTRUMENTS.

S.I. No. 507 of 2010



EUROPEAN COMMUNITIES (LABELLING, PRESENTATION AND
MARKETING OF WINES) REGULATIONS 2010

(Prn. A10/1543)

EUROPEAN COMMUNITIES (LABELLING, PRESENTATION AND
MARKETING OF WINES) REGULATIONS 2010

I, BRENDAN SMITH, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving full effect to Council Regulation (EC) No. 1234/2007 of 22 October 2007¹ (as amended by Council Regulation (EC) No. 491/2009 of 25 May 2009²) and Commission Regulation (EC) No. 607/2009 of 14 July 2009³ (as amended by Commission Regulation (EU) No. 401/2010 of 7 May 2010⁴), hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Labelling, Presentation and Marketing of Wines) Regulations 2010.

2. (1) In these Regulations—

“authorised officer” means—

- (a) a person appointed under Regulation 4 of the European Communities (Agriculture, Fisheries and Food) (Compliance) Regulations 2009 (S.I. No. 424 of 2009),
- (b) an authorised officer within the meaning of the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations 2002 (S.I. No. 482 of 2002),
- (c) a member of an Garda Síochána, or
- (d) an authorised officer within the meaning of section 858 of the Taxes Consolidation Act 1997 (No. 39 of 1997);

“Council Regulation” means Council Regulation (EC) No. 1234/2007 of 22 October 2007 (as amended by Council Regulation (EC) No. 491/2009 of 25 May 2009);

“Commission Regulation” means Commission Regulation (EC) No. 607/2009 of 14 July 2009 (as amended by Commission Regulation (EU) No. 401/2010 of 7 May 2010);

“Minister” means Minister for Agriculture, Fisheries and Food;

(2) A word or expression that is used in these Regulations and is also used

¹O.J. No. L299 of 16.11.2007, p.1.

²O.J. No. L154 of 17.6.2009, p.1.

³O.J. No. L193 of 24.7.2009, p.60.

⁴O.J. No. L117 of 11.5.2010, p.13.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 29th October, 2010.*

in the Council Regulation or the Commission Regulation, has the same meaning in these Regulations as it has in the Council Regulation or the Commission Regulation.

Application

3. The European Communities (Agriculture, Fisheries and Food) (Compliance) Regulations 2009 (S.I. No. 424 of 2009) (as amended by the European Communities (Marketing Standards) (Crops and Oils) Regulations 2010 (S.I. No. 153 of 2010)) are applied to these Regulations.

Labelling, marketing and presentation of wine

4. (1) A person who markets wine shall not—

- (a) label wine other than in accordance with Article 118y or 118za
- (b) use an optional indication referred to in Article 118z other than in accordance with that Article,
- (c) use a product designation other than in accordance with Article 118m, or
- (d) use traditional terms other than in accordance with Article 118v

of the Council Regulation.

(2) A person who markets wine shall maintain records in accordance with Article 185c of the Council Regulation.

(3) A person shall not import wine other than in accordance with Article 158a of the Council Regulation.

(4) A person shall not market wine—

- (a) labelled other than in accordance with Article 42, Article 49 and Chapter IV, Section 1 and Section 2, or
- (b) presented other than in accordance with Chapter IV, Section 3,

of the Commission Regulation.

Forgery

5. (1) A person shall not forge or alter, or utter knowing it to be forged or altered with intent to defraud or deceive—

- (a) a label, document or record referred to in the Council Regulation or Commission Regulation,
- (b) an entry in a register, an approval or authorisation under the Council Regulation or Commission Regulation

(hereafter in this Regulation referred to as “a forged or altered document”).

(2) A person shall not have, without lawful authority, in his or her possession or control a forged or altered document.

Offences

6. (1) A person who contravenes a provision of the Council Regulation, the Commission Regulation or Regulation 4 or 5 of these Regulations commits an offence and is liable on summary conviction, to a fine not exceeding €5,000 or to a term of imprisonment not exceeding 6 months or to both.

(2) If an offence under these Regulations is committed by a body corporate and is proved to be so committed with the consent or connivance of or be attributable to any neglect on the part of a person being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(3) A summary offence under these Regulations may be prosecuted by—

- (a) the Minister,
- (b) the Revenue Commissioners, or
- (c) the Health Service Executive.

Revocations

7. The following Regulations are revoked—

- (a) The European Communities (Wine) Regulations 1978 (S.I. No. 154 of 1978), and
- (b) The European Communities (Wine) Regulations 1976 (S.I. No. 12 of 1976).



GIVEN under my Official Seal,
21 October 2010.

BRENDAN SMITH,
Minister for Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations supplement European Community Regulations relating to the labelling for wine, by providing the necessary powers for authorised officers and by prescribing penalties for offences.

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