

# S.I. No. 12/1976 □ European Communities (Wine) Regulations, 1976.

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I, JUSTIN KEATING, Minister for Industry and Commerce, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Wine) Regulations, 1976.

2. These Regulations shall come into operation on the second day of February, 1976.

3. In these Regulations □ "authorised officer" means an officer of the Minister authorised in writing by the Minister for the purposes of these Regulations;

"accompanying document", "carrier", "consignee" and "consignor" have the same meanings in these Regulations as in the Commission Regulation;

"the Minister" means the Minister for Industry and Commerce;

"the Commission Regulation" means Commission Regulation (EEC) No. 1153/75 of 30 April, 1975<sup>(1)</sup>.

4. (1) A person who contravenes paragraph 3 of Article 4, paragraph 3 of Article 6, paragraph 1 of Article 7, paragraph 1 of Article 12, Articles 14, 15, 16, 17 or 19, paragraph 1 of Article 20, paragraph 2 of Article 21 or Article 24 of the Commission Regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding □200.

(2) Where there is a contravention of Article 1, paragraph 4 of Article 4 or Article 5 of the Commission Regulation, the consignor and carrier of the products in relation to which the contravention occurs shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding □200.

(3) Where there is a contravention of Article 8 or the third subparagraph of paragraph 2 of Article 10 of the Commission Regulation, the consignor of the products in relation to which the contravention occurs shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding □200.

<sup>(1)</sup> OJ No. L. 113. 1. 5. 75.

(4) Where there is a contravention of paragraph 1 of Article 10 or the first sub-paragraph of paragraph 2 of Article 10 of the Commission Regulation, the carrier of the products in relation to which the contravention occurs shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding □200.

5. The entry on an accompanying document of the time of departure and the latest date or time for arrival in relation to the carriage of a product shall be at the option of the consignor of the product.

6. An accompanying document shall not be required for the carriage of a product in a case where the carriage is of a kind referred to in paragraph 2, 3 or 4 of Article 13 of the Commission Regulation in relation to such a product.

7. An authorised officer shall be furnished with the warrant of his appointment as an authorised officer and when exercising any power conferred on an authorised officer by these Regulations shall, if requested by any person affected, produce the warrant to that person.

8. (1) An authorised officer may, for the purpose of these Regulations and the Commission Regulation, at all reasonable times enter

( a ) any premises in which he has reasonable grounds for believing that a product referred to in Article 1 of the Commission Regulation or an accompanying document (within the meaning of that Article), or a record required to be kept by Title II of the said Commission Regulation is kept, or

( b ) any railway wagon, vehicle, ship, vessel or aircraft in which he has reasonable grounds for believing that such a product or an accompanying document (within the meaning aforesaid) is being transported,

and make such examination, tests and inspections and take such reasonable samples of any such product which he finds in the course of his inspection as he may consider appropriate and make copies of and take extracts from any such document or record.

(2) A person who obstructs or interferes with an authorised officer when he is exercising a power conferred by this Regulation shall be liable on summary conviction to a fine not exceeding 200.

9. An offence under these Regulations may be prosecuted by the Minister.

10. The European Communities (Wine) Regulations, 1974 ( S.I. No. 195 of 1974 ), are hereby revoked.

GIVEN under my Official Seal, this 22nd day of January, 1976.

JUSTIN KEATING,

Minister for Industry and

Commerce.

#### EXPLANATORY NOTE.

The principal effect of these Regulations is to provide penalties for breaches of certain provisions of Regulation (EEC) No. 1153/75 of 30th April, 1975. This is, in the main, a consolidation of the provisions of Regulation (EEC) No. 1769/72 of 26th July, 1972, as amended, which relates to documents to accompany consignments of wine and related products and to the records to be kept by importers, wholesalers and bottlers of wine.

These Regulations also revoke the European Communities (Wine) Regulations, 1974 ( S.I. No. 195 of 1974 ) which provided for penalties for breaches of Regulation (EEC) No. 1769/72 as amended.