

2023 No. 1362

RETAINED EU LAW REFORM

AGRICULTURE

**The Wine (Revocation and Consequential Provision)
Regulations 2023**

Made - - - - *12th December 2023*

Coming into force - - *1st January 2024*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 14(1) and 20(1)(b) of the Retained EU Law (Revocation and Reform) Act 2023 (“the 2023 Act”)(a).

The Secretary of State is a relevant national authority for the purpose of section 14(1) of the 2023 Act(b).

The Secretary of State has carried out a consultation in accordance with 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) in relation to the revisions to food law made by these Regulations.

In accordance with paragraph 5(5) of Schedule 5 to the 2023 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Wine (Revocation and Consequential Provision) Regulations 2023.

(2) These Regulations come into force on 1st January 2024.

(3) In these Regulations—

(a) “Regulation (EU) No 1308/2013” means Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products(d);

(a) 2023 c. 28.

(b) The term “relevant national authority” is defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023.

(c) EUR 2002/178, to which there are amendments not relevant to these Regulations.

(d) EUR 2013/1308, to which there are amendments made by the Agriculture Act 2020 (c. 21) that are not relevant to these Regulations; relevant amending instruments are S.I. 2019/821 (which itself was amended by S.I. 2020/1453 as well as other

- (b) “Commission Delegated Regulation (EU) 2018/273” means Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 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, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties(a);
- (c) “Commission Delegated Regulation (EU) 2019/33” means Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 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(b);
- (d) “Commission Delegated Regulation (EU) 2019/934” means Commission Delegated Regulation (EU) 2019/934 of 12 March 2019 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files(c);
- (e) “specified products” means the products listed in the Table in Part 12 of Annex 1 to Regulation (EU) No 1308/2013 except for wine vinegar.

Extent and application

2.—(1) These Regulations extend to the United Kingdom, subject to the following provisions of this regulation.

(2) Subject to paragraph (3), any amendment or revocation of a provision in an enactment has the same extent as the provision amended or revoked.

(3) The amendments and revocations made by regulations 3(2) and 4(2), Schedule 1 and Part 2 of Schedule 2 extend to England and Wales only and apply in England only.

Revocation of secondary retained EU law

3.—(1) In Regulation (EU) No 1308/2013, in Article 93(1) (definitions for the purpose of Section 2 of Chapter 1 of Title 2 of Part 2 of Regulation (EU) No 1308/2013)—

- (a) in point (a) (definition of “a designation of origin”) omit point (iv) and the “and” before it;
- (b) in point (b) (definition of “a geographical indication”) omit point (iv) and the “and” before it.

(2) The secondary retained EU law listed in column (1) of the Table in Schedule 1 is revoked to the extent specified in column (2) of that Table in relation to specified products wherever produced.

instruments not relevant to these Regulations), 2020/1446 (to which there are amendments not relevant to these Regulations), 2022/1150.

- (a) EUR 2018/273; relevant amending instruments are S.I. 2020/1637 (to which there are amendments not relevant to these Regulations), 2021/1471.
- (b) EUR 2019/33; relevant amending instruments are S.I. 2020/1637 (to which there are amendments not relevant to these Regulations), 2021/632, 2022/938, 2023/312.
- (c) EUR 2019/934; relevant amending instruments are S.I. 2020/1637 (to which there are amendments not relevant to these Regulations), 2021/632, 2022/1150.

Consequential provision

4.—(1) Part 1 of Schedule 2 contains an amendment consequential on the omissions made by regulation 3(1).

(2) The secondary retained EU law specified in Part 2 of Schedule 2 is amended (in consequence of the omissions made by regulation 3(2) as read with Schedule 1) in relation to specified products wherever produced.

12th December 2023

Mark Spencer
Minister of State
Department for Environment, Food and Rural Affairs

SCHEDULE 1

Regulation 3(2)

Revocation of secondary retained EU law

<i>Column (1)</i> <i>Instrument</i>	<i>Column (2)</i> <i>Extent of revocation</i>
Regulation (EU) No 1308/2013	Article 82 (use of wine that does not conform to one of the categories laid down in Part 2 of Annex 7 to Regulation (EU) No 1308/2013). Article 119(1)(f) (compulsory indication of importer). Article 120(2) (verification of particulars relating to vintage year and wine grape variety on certain wines). In Annex 8 (oenological practices), in Part 2— (a) in Section A, paragraph 3 (restriction on the use of wine fortified for distillation); (b) Section C (restriction on the blending of wines); (c) Section D (restrictions relating to by-products).
Commission Delegated Regulation (EU) 2018/273	In Chapter 4, Section 1 (certification of wine products). Article 47 (suspension of certification provisions in Articles 11 and 12 of Commission Delegated Regulation (EU) 2018/273 in certain circumstances). Annex 5 (accompanying documents for wine products). Annex 6 (certificates for wine products).
Commission Delegated Regulation (EU) 2019/33	Article 56 (conditions of use of certain specific bottle shapes). In Article 57 (bottles, stoppers and fastenings for sparkling etc. wines)— (a) in paragraph 1— (i) in the first subparagraph— (aa) in the words before point (a), the words

<i>Column (1)</i> <i>Instrument</i>	<i>Column (2)</i> <i>Extent of revocation</i>
Commission Delegated Regulation (EU) 2019/934	<p>“closed with”;</p> <p>(bb) points (a) and (b);</p> <p>(ii) in the second subparagraph—</p> <p>(aa) the word “either”;</p> <p>(bb) the words from “or with” to the end;</p> <p>(b) in paragraph 2, the words from “or with” to “both.”.</p> <p>Article 58 (additional provisions concerning the power to make regulations relating to labelling and presentation under the Food Safety Act 1990^(a)).</p> <p>Annex 7 (list of types of bottle shapes).</p> <p>In Article 8(1), the second and third subparagraphs (coupage).</p> <p>In Annex 1 (authorised oenological practices)—</p> <p>(a) in Part A—</p> <p>(i) in Table 1, the row relating to item 9;</p> <p>(ii) in Table 2, the row relating to item 11.4;</p> <p>(b) in Part D, paragraph 2.</p> <p>In Annex 2 (authorised oenological practices and restrictions applicable to sparkling wines etc.)—</p> <p>(a) in Section B, point 4(a);</p> <p>(b) in Section C, point 9(a);</p> <p>(c) the Appendix.</p> <p>The whole Regulation.</p>
Commission Implementing Regulation (EU) 2019/935 of 16 April 2019 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards analysis methods for determining the physical, chemical and organoleptic characteristics of grapevine products and notifications of Member States decisions concerning increases in natural alcoholic strength ^(b)	

(a) 1990 c. 16.

(b) EUR 2019/935; relevant amending instruments are S.I. 2020/1637 (to which there are amendments not relevant to these Regulations), 2021/632, 2022/1150.

SCHEDULE 2

Regulation 4

Consequential provisions

PART 1

Amendment consequential on the omissions made by regulation 3(1)

Regulation (EU) No 1308/2013

1. In Regulation (EU) No 1308/2013, in Article 93(2)(c) (designations of origin), for “(iv)” substitute “(iii)”.

PART 2

Amendments consequential on the omissions made by regulation 3(2) as read with Schedule 1

Regulation (EU) No 1308/2013

2. In Regulation (EU) No 1308/2013, in Article 191 (derogations for imported products and special security in the wine sector), in the first paragraph omit “or from Section C”.

Commission Delegated Regulation (EU) 2018/273

3.—(1) Commission Delegated Regulation (EU) 2018/273 is amended as follows.
(2) In Article 2(2) (definition of “producer”) omit “, with the exception of Article 47,”.
(3) Omit Article 29(3)(f) (operations to be recorded in inward and outward registers kept by operators: production of fortifying wine for distillation).

Commission Implementing Regulation (EU) 2018/274

4.—(1) Commission Implementing Regulation (EU) 2018/274 of 11 December 2017 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^(a) is amended as follows.

(2) Omit Article 1(b) (subject matter).
(3) In Article 1a (the competent authorities) omit “the issue of permits under Article 12(3) and”.
(4) Omit Chapter 3 (certification of wine products).
(5) Omit Article 14(1)(b)(vii) (products to be entered in inward and outward registers kept by operators: by-products).
(6) Omit Article 18(2) (information to be included in inward and outward registers kept by operators: withdrawn products).

Commission Delegated Regulation (EU) 2019/33

5.—(1) Commission Delegated Regulation (EU) 2019/33 is amended as follows.

(a) EUR 2018/274, amended by S.I. 2020/1637 (to which there are amendments not relevant to these Regulations); there are other amending instruments but none is relevant.

- (2) In Article 46 (indication of bottler, producer, importer and vendor)—
 - (a) in the heading omit “, importer”;
 - (b) in paragraph 1—
 - (i) in the words before point (a) omit “and (f)”;
 - (ii) in point (a) omit the words from “, but” to the end;
 - (iii) omit point (d);
 - (iv) in point (f) for “, vendor or importer” substitute “or vendor”;
 - (c) omit paragraph 4;
 - (d) in paragraph 5—
 - (i) in the first subparagraph, for “2, 3 and 4” substitute “2 and 3”;
 - (ii) in the second paragraph, in both places it occurs, omit “, importer”;
 - (e) in paragraph 6, in the words before point (a) omit “, importer”.
- (3) Omit Article 49(2) (certification of certain grapevine products that bear an indication of their vintage year on their label).
- (4) In Article 50(2) (certification of certain grapevine products that bear an indication of the variety of grape used to produce them on their label) omit the first subparagraph.
- (5) In Article 51(1) (specific rules for the indication of wine grape varieties on grapevine products that do not bear a protected designation of origin or geographical indication) omit the words from “and provided” to “with”.

Commission Delegated Regulation (EU) 2019/934

- 6.—(1) Commission Delegated Regulation (EU) 2019/934 is amended as follows.
- (2) In Article 7(1) (definition of “coupage”) omit the words from “referred” to “1308/2013”.
- (3) Omit Article 11 (general rules applicable to the enrichment, acidification and deacidification of products other than wine).
- (4) Omit Article 13 (fixing a minimum percentage of alcohol for by-products).
- (5) Omit Article 14 (disposal of by-products).
- (6) In Annex 1, in Part A (authorised oenological practices) omit “and Article 11 of this Regulation” in—
 - (a) Table 1, in the rows relating to items 14 and 15, in the column numbered 2 entitled “Conditions and limits of use”;
 - (b) Table 2, in the row relating to item 1.1, in the column numbered 7 entitled “Conditions and limits of use”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke specified secondary retained EU law (within the meaning of section 11(2) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28)) relating to certain products of the wine sector.

Regulation 3(1) revokes specified provisions relating to wine in Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products (EUR 2013/1308) (“Regulation (EU) No 1308/2013”).

Regulation 3(2) and Schedule 1 revoke—

- (a) specified provisions relating to products in the wine sector and by-products of winemaking in—

- (i) Regulation (EU) No 1308/2013;
 - (ii) Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 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, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties (EUR 2018/273);
 - (iii) Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 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 (EUR 2019/33);
 - (iv) Commission Delegated Regulation (EU) 2019/934 of 12 March 2019 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files (EUR 2019/934);
- (b) Commission Implementing Regulation (EU) 2019/935 of 16 April 2019 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards analysis methods for determining the physical, chemical and organoleptic characteristics of grapevine products and notifications of Member States decisions concerning increases in natural alcoholic strength (EUR 2019/935).

Regulation 4 and Schedule 2 make amendments consequent on the revocations effected by regulation 3 and Schedule 1. The amendments and revocations effected by regulations 3(2) and 4 (2), Schedule 1 and Part 2 of Schedule 2 apply in England only.

A full impact assessment of the effect that this instrument will have on the costs to business, the voluntary sector and the public sector is available from the Agri-food Chain Directorate, Department for Environment, Food and Rural Affairs, 2nd Floor Seacole Building, 2 Marsham Street, London SW1P 4DF and is published with an Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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