

EXPLANATORY MEMORANDUM TO
THE WINE (AMENDMENT) REGULATIONS 2019
2019 No. 524

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department of the Environment, Food and rural Affairs and is laid before Parliament by Command of her Majesty.

2. Purpose of the instrument

- 2.1 This instrument will amend The Wine Regulations 2011 (S.I. 2011/2936) and in so doing update the definitions of “the European Regulations”, in particular including references to Commission Implementing Regulation (EU) 2018/34, Commission Delegated Regulation (EU) 2018/273, Commission Implementing Regulation (EU) 2018/274 and Commission Delegated Regulation (EU) 2019/33. Regulations 5 and 10 of this instrument also update references to the European Regulations.
- 2.2 Updating the definitions will maintain our capability of being able to apply and enforce the provisions contained in these regulations. Such provisions include rules on accompanying documentation and checks and the marketing and labelling of wine policy. Being able to enforce these rules helps protect the interests of producers, traders and the general public.
- 2.3 It will also insert a new definition of “the Agency”. This will define both the Food Standards Agency and Food Standards Scotland. Food Standards Scotland superseded the Food Standards Agency’s role in enforcing The Wine Regulations 2011 in Scotland on 1 April 2015 and should therefore be denoted as the competent authority in Scotland.
- 2.4 It will remove references to a vineyard register and also provisions requiring action by specified dates as these are no longer legal requirements.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is the United Kingdom.
- 4.2 The territorial application of this instrument is the United Kingdom.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 The European Commission currently bringing its wine legislation into line with the requirements set out under the Lisbon Treaty. This has involved recasting existing Commission Regulations as Delegated and Implementing Acts. As part of this process these regulations will be given a new legislative reference.
- 6.2 This instrument will replace references to Commission Regulation (EC) 607/2009 with references to Commission Delegated Regulation (EU) 2019/33 and Commission Implementing Regulation (EU) 2018/34 both of which supplement rules set out in Regulation (EU) No 1308/2013 of the European Parliament and of the Council by providing detailed rules on the protection of designations of origin, geographical indications and traditional terms in the wine sector. They also set out rules on the labelling and presentation of wine sector products and necessary checks that should take place.
- 6.3 References to Commission Regulation 555/2008 and Commission Regulation 436/2009 will be replaced by Commission Delegated Regulation (EU) 2018/273, Commission Implementing Regulation (EU) 2018/274 which supplement rules set out in Regulation (EU) No 1308/2013 of the European Parliament and of the Council by providing detailed provisions relating to the documentation and certification of wine products and maintaining records.
- 6.4 It will also introduce Food Standards Scotland as a competent authority in The Wine Regulations 2011.

7. Policy background

What is being done and why?

- 7.1 Updating legislative reference contained in The Wine Regulations 2011 will ensure the appropriate authorities have the legal basis to apply and enforce EU wine sector rules in the United Kingdom and through this protect the interest of those who produce, trade in or consume wine
- 7.2 In April 2015 Food Standards Scotland took over the responsibilities of the Food Standards Agency in Scotland. We are therefore making the Food Standards Scotland a ‘competent body’ alongside the Food Standards Agency to correct a deficiency where consequential changes to The Wine Regulations 2011 were not made at that time.
- 7.3 The Food Standards Agency and Food Standards Scotland are being made responsible for recording necessary facts, the regularisation and the onward transport of wine sector products where a consignment has been wholly or partially lost or has had to be split.

8. European Union (Withdrawal) Act 2018/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act 2018

9. Consolidation

9.1 None.

10. Consultation outcome

10.1 These regulations have been subject to a targeted consultation with key wine industry representatives, enforcement bodies and representatives from devolved administrations.

10.2 Views have been received from various producer, trade and government sources who are all content with the proposals.

11. Guidance

11.1 This instrument does not require guidance.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because it does not introduce any new impacts on business.

13. Regulating small business

13.1 The legislation applies activities that are undertaken by small businesses.

13.2 To minimise the impact of the requirements on small businesses (employing up to 50 people), the approach taken is to maintain the current level of regulation and thus maintaining the status quo with regard to the legislative requirements small businesses face.

14. Monitoring & review

14.1 This instrument amends an existing statutory instrument and does not require a statutory review.

15. Contact

15.1 Philip Munday at the Department of Environment Food and Rural Affairs; Telephone: 07768646418 or email: philip.munday@defra.gov.uk can be contacted with any queries regarding the instrument.

15.2 Maggie Charnley, Deputy Director for Food and Farming Sectors and Trade, at the Department of Environment Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.

15.3 David Rutley MP, Parliamentary Under Secretary of State at the Department of Environment Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.