
STATUTORY INSTRUMENTS

2021 No. 1471

The Wine (Amendment) Regulations 2021

PART 1

Introductory

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Wine (Amendment) Regulations 2021 and come into force on 1st January 2022.

(2) Part 1, regulations 2 and 3, Part 3 and the Schedule extend to England and Wales and Scotland.

(3) Regulation 4 extends to England and Wales and applies in relation to England only.

PART 2

Amendment of subordinate legislation

The Food (Lot Marking) Regulations 1996

2. In the Food (Lot Marking) Regulations 1996(1), in regulation 4 (exceptions for particular types of sale and sales units)—

(a) number the existing paragraph as paragraph (1);

(b) in paragraph (1) (as numbered by paragraph (a)), after sub-paragraph (h) insert—

“(i) a sales unit of EU Annex 15 wine that complies with the provisions of [Directive 2011/91/EU](#) of the European Parliament and of the Council on indications or marks identifying the lot to which a foodstuff belongs(2), as implemented in either of the following—

(aa) the member State from which it was exported into Great Britain;

(bb) if exported from a member State into Great Britain having been labelled in a different member State, the member State in which it was so labelled.”;

(c) after paragraph (1) (as numbered by paragraph (a)) insert—

“(2) In this regulation—

(a) “EU Annex 15 wine” means wine—

(i) to which the first sentence of Article 4(3) (lot codes) of Annex 15 (trade in wine) to the Trade and Cooperation Agreement, as read with Article 1(1) (scope) of that Annex, applies, and

(1) [S.I. 1996/1502](#), amended by [S.I. 2020/1501](#); there are other amending instruments but none is relevant.

(2) [OJ No. L 334, 16.12.2011, p. 1.](#)

- (ii) that is imported into Great Britain from a member State;
- (b) “the Trade and Cooperation Agreement” has the same meaning as in section 37(1) of the European Union (Future Relationship) Act 2020.”.

The Wine Regulations 2011

3. In the Wine Regulations 2011(3), in Part 3, after regulation 17 insert—

“Transitional provision: the Trade and Cooperation Agreement

17A.—(1) An authorised officer must not take any enforcement action under this Part, and an enforcement authority, and the Director of Public Prosecutions, must not prosecute an offence under regulation 14 (offences), in respect of EU Annex 15 wine (including EU Annex 15 wine labelled on or after 1st May 2021) that is placed on the market in Great Britain—

- (a) by a wholesaler or producer during the period beginning on 1st January 2022 and expiring on 1st May 2023;
- (b) by a retailer on or after 1st January 2022.
- (2) In this regulation—
 - (a) “enforcement action” means the service of a notice under regulation 10 (warning notices), 11 (enforcement notices) or 12 (prohibition notices);
 - (b) “enforcement authority” has the same meaning as in regulation 3(7);
 - (c) “EU Annex 15 wine” means wine—
 - (i) to which Article 5 (transitional measures) of Annex 15 (trade in wine) to the Trade and Cooperation Agreement, as read with Article 1(1) (scope) of that Annex, applies, and
 - (ii) that is imported into Great Britain from a member State;
 - (d) “the Trade and Cooperation Agreement” has the same meaning as in section 37(1) of the European Union (Future Relationship) Act 2020.
- (3) In this regulation, “placed on the market” is to be construed taking into account the definition of “placing on the market” in point 8 of Article 3 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.”.

The Food Information Regulations 2014

4. In the Food Information Regulations 2014(4), after regulation 16 insert—

“Transitional provision: the Trade and Cooperation Agreement

17.—(1) An authorised officer of an enforcement authority must not serve an improvement notice under section 10(1) of the Food Safety Act 1990(5) as it applies, by virtue of regulation 12(1), to these Regulations (as modified by regulation 12(1) and Part 1

(3) S.I. 2011/2936; relevant amending instruments are S.I. 2012/2897, 2013/3235, 2019/524, 2020/639, 1636, 1637 (as amended by S.I. 2020/1661).

(4) S.I. 2014/1855; relevant amending instruments are S.I. 2019/1218, 2021/632.

(5) 1990 c. 16.

of Schedule 4), in respect of EU Annex 15 wine (including EU Annex 15 wine labelled on or after 1st May 2021) that is placed on the market in England—

- (a) by a wholesaler or producer during the period beginning on 1st January 2022 and expiring on 1st May 2023;
 - (b) by a retailer on or after 1st January 2022.
- (2) In this regulation—

- (a) “EU Annex 15 wine” means wine—
 - (i) to which Article 5 (transitional measures) of Annex 15 (trade in wine) to the Trade and Cooperation Agreement, as read with Article 1(1) (scope) of that Annex, applies, and
 - (ii) that is imported into Great Britain from a member State;
- (b) “the Trade and Cooperation Agreement” has the same meaning as in section 37(1) of the European Union (Future Relationship) Act 2020.

(3) In this regulation, “placed on the market” is to be construed taking into account the definition of “placing on the market” in point 8 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council.”.

PART 3

Amendment of retained direct EU legislation

Commission Delegated Regulation (EU) 2018/273

5.—(1) Commission Delegated Regulation (EU) 2018/273 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⁽⁶⁾ is amended as follows.

(2) In Article 1, in point (c), for “, certification and rules for imports” substitute “and certification”.

(3) In Article 2(1)—

(a) after point (l) insert—

“(la) ‘Annex 15 to the TCA’ means Annex 15 (trade in wine) to the Trade and Cooperation Agreement;

(lb) ‘Appendix C certificate’ means the certificate referred to in Article 3(1) of Annex 15 to the TCA (certification requirements);”;

(b) in point (p), after “means” insert “, unless the contrary intention appears,”;

(c) after point (p) insert—

“(pa) ‘GB Annex 15 wine’ has the meaning given in Article 19a(b);

(pb) ‘Harmonized System’ means the 2017 edition of the Harmonized Commodity Description and Coding System provided for under the International Convention on the Harmonized System as done in Brussels on 14 June 1983;”;

(d) after point (t) insert—

⁽⁶⁾ EUR 2018/273, amended by [S.I. 2020/1627](#), [1637](#).

- “(ta) ‘the Trade and Cooperation Agreement’ has the same meaning as in section 37(1) of the European Union (Future Relationship) Act 2020;”.
- (4) In Article 12(1), after point (b) insert—
- “(c) in the case of a GB Annex 15 wine exported from Great Britain into a member State, an Appendix C certificate.”.
- (5) In Chapter 4—
- (a) after Section 1 insert the new Section 1A in the Schedule;
- (b) omit Section 2.
- (6) Omit Article 37(4).
- (7) Omit Article 47(2).
- (8) In Article 51—
- (a) in paragraph 1—
- (i) in the words before point (a)—
- (aa) omit “, in relation to point (d),”;
- (bb) for “lists” substitute “a list”;
- (ii) omit points (a) to (c);
- (b) in paragraph 2, in point (b), for “lists” substitute “list”;
- (c) in paragraph 3—
- (i) in the words before point (a) omit “and the lists”;
- (ii) in points (a) and (b) omit “and lists”.
- (9) Omit Annex 7.

Regulation (EU) No 1308/2013 of the European Parliament and of the Council

6. In [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products(7) omit Article 90(3) and (4).

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16th December 2021

(7) EUR 2013/1308; relevant amending instruments are [S.I. 2019/821](#), [828](#), [2020/1446](#), [1453](#), [1661](#), [2021/652](#).