
STATUTORY INSTRUMENTS

2021 No. 1471

The Wine (Amendment) Regulations 2021

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
 - (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—

(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.
(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](#)).

“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 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

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

(5) 1990 c. 16.

- (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.”.