
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to assimilated direct legislation relating to the marketing of wine and oenological practices used to produce and conserve wine and other wine products. They apply in Wales.

These Regulations amend Article 53 of 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) (“[Regulation \(EU\) 2019/33](#)”). The amendment inserts a provision in [Regulation \(EU\) 2019/33](#) prohibiting the marketing of a product using the term “ice wine”, “icewine” or “ice-wine” (whether in English or in a different language) and similar terms (whether in English or in a different language), unless the product is wine made exclusively from grapes naturally frozen on the vine (regulation 2).

These Regulations also amend 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) (“[Regulation \(EU\) 2019/934](#)”) (regulation 3 and the Schedule).

[Regulation \(EU\) 2019/934](#) authorises specified oenological practices. It supplements Article 80(1) of [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](#)”). Article 80(1) of [Regulation \(EU\) No 1308/2013](#) prohibits the use of unauthorised oenological practices in the production and conservation of wine and other wine products. The amendments made by this instrument to [Regulation \(EU\) 2019/934](#) make changes to the oenological practices that may be used in the production and conservation of wine and other wine products.

Regulations 10, 11 and 12 of the Wine Regulations 2011 ([S.I. 2011/2936](#)) (“the 2011 Regulations”) enable warning notices, enforcement notices and prohibition notices to be served where there is believed to be a contravention of “the retained EU Regulations” as defined in those Regulations. Those notice provisions will apply in relation to the contravention of the new ice wine etc. prohibition in Article 53 of [Regulation \(EU\) 2019/33](#). They also apply in relation to a contravention of Article 80(1) of [Regulation \(EU\) No 1308/2013](#) where an unauthorised oenological practice is used to produce or conserve a wine or other wine product.

A failure to comply with an enforcement or prohibition notice served under the 2011 Regulations is an offence under regulation 14(2)(a) of those Regulations. A failure to comply with a provision of the retained EU Regulations after receiving a warning notice served under the 2011 Regulations is an offence under regulation 14(2)(b) of the 2011 Regulations.

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The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.