EXPLANATORY MEMORANDUM TO

THE WINE (AMENDMENT) (ENGLAND) REGULATIONS 2024

2024 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for the Environment, Food and Rural Affairs and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

2.1 This instrument will introduce rules prohibiting the marketing of a wine as "ice wine" and using similar descriptions unless the product is wine made exclusively from grapes naturally frozen on the vine. It will also make changes to the oenological practices, processes and restrictions that may be used in the production and conservation of wine and other wine products.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. European Convention on Human Rights

5.1 Mark Spencer MP, Minister of State has made the following statement regarding Human Rights:

"In my view the provisions of the Wine (Amendment) (England) Regulations 2024 are compatible with the Convention rights."

6. Legislative Context

6.1 This instrument is made in exercise of the powers conferred by section 50(6)(a) of the Agriculture Act 2020.

6.2 It will amend the following Regulation to introduce a restriction prohibiting the marketing of a wine as "ice wine" and using similar descriptions unless the product is a wine made exclusively from grapes naturally frozen on the vine. This will accord with obligations relating to the marketing of wine in the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) following the UK signing the Protocol of Accession relating to that agreement on 16th July 2023.

- Commission Delegated Regulation (EU) 2019/33 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.

6.3 It will amend the following Regulation to update the oenological practices, processes and restrictions that may be used in the production and conservation of wine and other wine products in line with those adopted by the International Organisation of Vine and Wine (OIV) since 2019.

- 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.

7. Policy background

What is being done and why?

7.1 The UK signed the Protocol of Accession to join the CPTPP on 16th July 2023. Entry into force of the accession will take place in 2024. The imposition of the ice wine etc. restriction will fulfil obligations on the marketing of wine in the CPTPP.

The UK is a member of the International Organisation of Vine and Wine (OIV), an international intergovernmental organisation that deals with technical and scientific aspects of viticulture and winemaking. The oenological standards agreed by the OIV form the basis of the oenological practices, processes and restrictions that may be used in the production and conservation of wine and other wine products in Great Britain. The legislation that applies in England relating to such practices, processes and restrictions is being updated so they remain in line with those of the OIV.

Explanations

What did any law do before the changes to be made by this instrument?

7.2 The UK started discussions on joining CPTPP in 2021 and in March this year it concluded the negotiations on our agreed terms of entry to that agreement. It provides that wine marketed using the term ‘ice wine’ must be produced only from grapes naturally frozen on the vine. Such products are commercially and technically challenging to produce and hence command high value on the market. The instrument includes an explicit ice wine restriction to implement that CPTPP provision in England.

7.3 This instrument will also update oenological practices that have been introduced by the International Organisation of Vine and Wine (OIV) and approved by the UK at that forum. These practices will apply in England. Both the Government and trade play an active role in the OIV, attending technical meetings and voting on the approval of new oenological practices. The OIV adds or removes practices from its recommendations annually following a 7-step scientific scrutiny process that UK, EU and other world experts feed into. To be adopted the resolution must be approved on a consensus basis. Compliance with these forms the basis by which wines can be marketed and imported into GB, the EU etc. Retained Regulation (EC) 2019/934 sets

out lists of approved oenological practices, processes and restrictions which are updated periodically. To give our wine producers access to the latest technological developments and winemaking practices, the oenological provisions in Retained Regulation (EU) 2019/934 must be amended to update those provisions.

8. European Union Withdrawal and Future Relationship

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

9. Consolidation

9.1 This is not a consolidating instrument.

10. Consultation outcome

10.1 The consultation ran for eight weeks from the 24 May 2023 – 21 July 2023. There were 96 responses, the majority of which were supportive of the changes. We subsequently ran a targeted consultation with experts from the wine industry to evaluate the technical aspects of the new oenological practices fully.

10.2 Responses in relation to the ice wine definition predominantly supported introducing the definition. Questions concerning wine made from artificially frozen grapes were raised. Such wines can still be produced and sold, but not marketed as 'ice wine'.

10.3 Responses to the proposal to update oenological practices were positive. Industry understood that being able to make use of newer practices would benefit them. There was overwhelming support to update these practices from both our domestic producers and international trading partners, all understanding the importance of having access to the latest methodologies.

11. Guidance

11.1 The Government will put the necessary guidance regarding measures contained in the instrument on GOV.UK once the instrument has been approved by Parliament.

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 A full Impact Assessment has not been prepared for this instrument for these regulation changes because the impacts on businesses are expected to be below the de-minimis threshold. The impact to businesses is anticipated to be very low.

13. Regulating small business

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

13.2 No specific action is proposed to minimise regulatory burdens on small businesses.

14. Monitoring & review

14.1 In the view of the Minister, it is not appropriate in the circumstances to make provision for review in the instrument because, on the basis of the consultation carried out, it is intended that the legislation amended by the instrument will be revoked and replaced by an instrument to be made in 2025 which will contain a provision for

review in relation to the consolidated provisions. Defra will be carrying out monitoring and evaluation in relation to the provisions in the 2025 instrument. It will also be monitoring and evaluating the effect of the new provisions in the instrument to which the EM relates during the short period the instrument is in force. It will take account the outcome of that monitoring and evaluation in the drafting of the 2025 instrument.

15. Contact

15.1 Georgina Yorke at the Department for Environment, Food and Rural Affairs. Telephone: 07342 062723 or email: georgina.yorke@defra.gov.uk can be contacted with any queries regarding the instrument.

15.2 Ananda Guha, Deputy Director for Food Exports, Promotion and Partnerships, at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.

15.3 Mark Spencer, Minister of State at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.