Draft Regulations laid before Parliament under paragraph 6(1) of Schedule 5 to the European Union (Future Relationship) Act 2020, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2021 No. 0000

AGRICULTURE

The Wine (Amendment) Regulations 2021

Made - - - -	***
Coming into force - -	*1st January 2022*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 31(1)(a) and (b) of, and paragraph 27 of Schedule 5 to, the European Union (Future Relationship) Act 2020(**a**).

There has been consultation as required by Article 9 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(**b**) during the preparation, evaluation and revision of food law in relation to these Regulations.

In accordance with paragraph 6(1) of Schedule 5 to the European Union (Future Relationship) Act 2020, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

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.

(**a**) 2020 c. 29.
(**b**) EUR 2002/178, to which there are amendments not relevant to these Regulations.

PART 2

Amendment of subordinate legislation

The Food (Lot Marking) Regulations 1996

2. In the Food (Lot Marking) Regulations 1996(**a**), 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(**b**), 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(**c**), 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);

(**a**) S.I. 1996/1502, amended by S.I. 2020/1501; there are other amending instruments but none is relevant.
(**b**) OJ No. L 334, 16.12.2011, p. 1.
(**c**) 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).

(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(**a**), 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(**b**) 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

(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

(**a**) S.I. 2014/1855; relevant amending instruments are S.I. 2019/1218, 2021/632.
(**b**) 1990 c. 16.

information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties(**a**) 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—

"(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(**b**) omit Article 90(3) and (4).

(**a**) EUR 2018/273, amended by S.I. 2020/1627, 1637.
(**b**) EUR 2013/1308; relevant amending instruments are S.I. 2019/821, 828, 2020/1446, 1453, 1661, 2021/652.

Name
Minister of State
Date Department for Environment, Food and Rural Affairs

SCHEDULE

Regulation 5(5)(a)

Commission Delegated Regulation (EU) 2018/273: Chapter 4, new Section 1A

"*SECTION 1A*

GB ANNEX 15 WINES: EXPORT FROM GREAT BRITAIN TO A MEMBER STATE

Article 19a

Interpretation

For the purpose of this Section:

(a) 'a competent authority of a member State' means a competent authority in a member State responsible for carrying out checks relating to the documents accompanying wine imported into the European Union pursuant to 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(**a**) and cognate expressions are to be construed accordingly;

(b) 'GB Annex 15 wine' means a wine that:

(i) falls under Heading 22.04 of the Harmonized System, and

(ii) has been produced in Great Britain;

(c) 'the OIV Compendium' means the 2021 Edition of the Compendium of International Methods of Analysis of Wines and Musts in two volumes (ISBN 978-2-85038-034-1 and ISBN 978-2-85038-033-4) published by the International Organisation of Vine and Wine in Paris;

(d) a wine is a wine 'produced in Great Britain' if it would be regarded as such applying the definition of 'wine produced in' in Article 1(2) (definitions) of Annex 15 to the TCA but with that definition being applied as if for 'the exporting Party' there was substituted 'Great Britain'.

Article 19b

English and Welsh Annex 15 wine: supervision of production and inspection

1. For the purpose of the application of the certification arrangements to which Article 3 of Annex 15 to the TCA applies, the Agency is designated as the competent authority responsible for supervising the production, and inspection, of English Annex 15 wine and Welsh Annex 15 wine that is intended for export to a member State or that may be exported to a member State.

(**a**) OJ No. L 58, 28.2.2018, p. 1, to which there are amendments not relevant to these Regulations.

2. A person ('a wine producer') producing English Annex 15 wine or Welsh Annex 15 wine to which paragraph 1 applies may apply to the Agency for the Agency to supervise the production of, and inspect, that wine to check that:

(a) the wine complies with the relevant product definition for the wine referred to in Article 2.2.a of Annex 15 to the TCA, as read with point (a) (product definitions) of the paragraph in the section in Appendix 15-A to that Annex entitled 'Laws and regulations of the United Kingdom', and

(b) the wine is produced in accordance with oenological practices authorised under:

  (i) Article 2.2.b of Annex 15 to the TCA, as read with point (b) (oenological practices and restrictions) of the paragraph in the section in Appendix 15-A to that Annex entitled 'Laws and regulations of the United Kingdom';

  (ii) Article 2.2.c of Annex 15 to the TCA, as read with Appendix 15-B to that Annex.

3. A wine producer who has made an application under paragraph 2 may ask the Agency at any time to stop supervising the production, and inspection, of the English Annex 15 wine or Welsh Annex 15 wine that the wine producer is producing.

4. The Agency, having received an application from a wine producer under paragraph 2, must supervise the production of, and inspect, the English Annex 15 wine or Welsh Annex 15 wine produced by the wine producer to check that it complies with the matters referred to in points (a) and (b) of paragraph 2 unless and until the wine producer asks the Agency to stop doing so under paragraph 3.

5. The supervision of the production, and inspection, of English Annex 15 wine and Welsh Annex 15 wine pursuant to paragraph 4 may be:

(a) carried out by the Agency in such manner and at such intervals as it considers appropriate from time to time;

(b) carried out by the Agency on a risk-basis;

(c) supplemented by the Agency with random inspections from time to time.

6. Any analytical check carried out by the Agency when carrying out its functions under this Article must be carried out using an appropriate reference method in the OIV Compendium.

7. The Agency may carry out such other non-analytical checks as appear appropriate to it from time to time in connection with its functions under this Article and may do so in such manner as appears appropriate to it from time to time.

8. Nothing in this Article prevents the Agency carrying out any of its enforcement functions, or functions as a competent authority, under the Wine Regulations 2011.

9. In this Article:

(a) 'the Agency' means the Food Standards Agency;

(b) 'English Annex 15 wine' means a wine that:

  (i) falls under Heading 22.04 of the Harmonized System, and

  (ii) has been produced in England;

(c) 'Welsh Annex 15 wine' means a wine that:

  (i) falls under Heading 22.04 of the Harmonized System, and

  (ii) has been produced in Wales;

(d) a wine is a wine 'produced in England' if it would be regarded as such applying the definition of 'wine produced in' in Article 1(2) of Annex 15 to the TCA but with that definition being applied as if for 'the exporting Party' there was substituted 'England';

(e) a wine is a wine 'produced in Wales' if it would be regarded as such applying the definition of 'wine produced in' in Article 1(2) of Annex 15 to the TCA but with that definition being applied as if for 'the exporting Party' there was substituted 'Wales'.

Article 19c

Scottish Annex 15 wine: supervision of production and inspection

1. For the purpose of the application of the certification arrangements to which Article 3 of Annex 15 to the TCA applies, FSS is designated as the competent authority responsible for supervising the production, and inspection, of Scottish Annex 15 wine that is intended for export to a member State or that may be exported to a member State.

2. A person ('a wine producer') producing Scottish Annex 15 wine to which paragraph 1 applies may apply to FSS for FSS to supervise the production of, and inspect, that wine to check that:

(a) the wine complies with the relevant product definition for the wine referred to in Article 2.2.a of Annex 15 to the TCA, as read with point (a) (product definitions) of the paragraph in the section in Appendix 15-A to that Annex entitled 'Laws and regulations of the United Kingdom', and

(b) the wine is produced in accordance with oenological practices authorised under:

(i) Article 2.2.b of Annex 15 to the TCA, as read with point (b) (oenological practices and restrictions) of the paragraph in the section in Appendix 15-A to that Annex entitled 'Laws and regulations of the United Kingdom';

(ii) Article 2.2.c of Annex 15 to the TCA, as read with Appendix 15-B to that Annex.

3. A wine producer who has made an application under paragraph 2 may ask FSS at any time to stop supervising the production, and inspection, of Scottish Annex 15 wine that the wine producer is producing.

4. FSS, having received an application from a wine producer under paragraph 2, must supervise the production of, and inspect, the Scottish Annex 15 wine produced by the wine producer to check that it complies with the matters referred to in points (a) and (b) of paragraph 2 unless and until the wine producer asks FSS to stop doing so under paragraph 3.

5. The supervision of the production, and inspection, of Scottish Annex 15 wine pursuant to paragraph 4 may be:

(a) carried out by FSS in such manner and at such intervals as it considers appropriate from time to time;

(b) carried out by FSS on a risk-basis;

(c) supplemented by FSS with random inspections from time to time.

6. Any analytical check carried out by FSS when carrying out its functions under this Article must be carried out using an appropriate reference method in the OIV Compendium.

7. FSS may carry out such other non-analytical checks as appear appropriate to it from time to time in connection with its functions under this Article and may do so in such manner as appears appropriate to it from time to time.

8. Nothing in this Article prevents FSS carrying out any of its enforcement functions, or functions as a competent authority, under the Wine Regulations 2011.

9. In this Article:

(a) 'FSS' means the Food Standards Scotland;

(b) 'Scottish Annex 15 wine' means a wine that:

(i) falls under Heading 22.04 of the Harmonized System, and

(ii) has been produced in Scotland;

(c) a wine is a wine 'produced in Scotland' if it would be regarded as such applying the definition of 'wine produced in' in Article 1(2) of Annex 15 to the TCA but with that definition being applied as if for 'the exporting Party' there was substituted 'Scotland'.

Article 19d

Checking of Appendix C certificates: export of GB Annex 15 wine from England to a member State

1. For the purpose of Article 3(1) of Annex 15 to the TCA, the Secretary of State is designated as the competent authority responsible for checking that the information contained in an Appendix C certificate relating to a GB Annex 15 wine that is intended to be exported from England to a member State is correct.

2. The Secretary of State, in checking Appendix C certificates for GB Annex 15 wine that is intended to be exported from England to a member State, may:

(a) check every Appendix C certificate;

(b) carry out checks of Appendix C certificates at such intervals as considered appropriate by the Secretary of State from time to time;

(c) carry out checks of Appendix C certificates on a risk-basis;

(d) carry out checks of Appendix C certificates on a random basis.

3. A person intending to export GB Annex 15 wine from England to a member State may submit an Appendix C certificate for the GB Annex 15 wine to the Secretary of State to check.

4. Where an Appendix C certificate is submitted to the Secretary of State under paragraph 3, the Secretary of State must check the certificate.

5. In relation to GB Annex 15 wine that has been exported from England to a member State, where a request is made to the Secretary of State by the competent authority of the member State to which the wine was exported, or by the competent authority of the member State in which the wine is currently situated, to check the Appendix C certificate relating to that wine, the Secretary of State must carry out checks to determine whether the information contained in the Appendix C certificate relating to the wine is correct.

6. Where an Appendix C certificate is submitted to the Secretary of State under paragraph 3, or a request is made to the Secretary of State in respect of an Appendix C certificate by a competent authority of a member State under paragraph 5, and the Secretary of State is satisfied that the information contained in the certificate relating to a GB Annex 15 wine is correct, the Secretary of State must notify the person who submitted the certificate under paragraph 3 or the competent authority, as the case may be, of the Secretary of State's determination.

7. In relation to an Appendix C certificate being checked by the Secretary of State relating to a GB Annex 15 wine that is intended to be exported from England to a member State, or that has been exported from England to a member State, where the Secretary of State determines that any information contained in the Appendix C certificate is incorrect or the Secretary of State is unable (for whatever reason) to make a determination:

(a) the Secretary of State must notify the following of the determination or the Secretary of State's inability to make a determination:

(i) the person named as the consignor on the Appendix C certificate;

(ii) where the wine to which the Appendix C certificate relates has been exported to a member State:

(aa) in a case where a request has been made under paragraph 5, the competent authority that made the request;

(bb) in any other case, a competent authority of the member State to which the wine was exported;

(b) the Appendix C certificate is to be treated as a certificate that has not been authenticated for the purposes of Article 3(1) of Annex 15 to the TCA.

8. Any analytical check carried out by the Secretary of State when carrying out the Secretary of State's function under this Article must be carried out using an appropriate reference method in the OIV Compendium.

9. The Secretary of State may carry out such other non-analytical checks as appear appropriate to the Secretary of State from time to time in connection with the Secretary of State's function under this Article and may do so in such manner as appears appropriate to the Secretary of State from time to time.

10. In this Article, in relation to an Appendix C certificate relating to a GB Annex 15 wine, 'being checked by the Secretary of State' means being checked by the Secretary of State:

(a) at the Secretary of State's own volition, or

(b) following a request made under paragraph 3 or 5.

Article 19e

Checking of Appendix C certificates: export of GB Annex 15 wine from Scotland to a member State

1. For the purpose of Article 3(1) of Annex 15 to the TCA, the Scottish Ministers are designated as the competent authority responsible for checking that the information contained in an Appendix C certificate relating to a GB Annex 15 wine that is intended to be exported from Scotland to a member State is correct.

2. The Scottish Ministers, in checking Appendix C certificates completed for GB Annex 15 wine that is intended to be exported from Scotland to a member State, may:

(a) check every Appendix C certificate;

(b) carry out checks of Appendix C certificates at such intervals as considered appropriate by the Scottish Ministers from time to time;

(c) carry out checks of Appendix C certificates on a risk-basis;

(d) carry out checks of Appendix C certificates on a random basis.

3. A person intending to export GB Annex 15 wine from Scotland to a member State may submit an Appendix C certificate for the GB Annex 15 wine to the Scottish Ministers to check.

4. Where an Appendix C certificate is submitted to the Scottish Ministers under paragraph 3, the Scottish Ministers must check the certificate.

5. In relation to GB Annex 15 wine that has been exported from Scotland to a member State, where a request is made to the Scottish Ministers by the competent authority of the member State to which the wine was exported, or by the competent authority of the member State in which the wine is currently situated, to check the Appendix C certificate relating to that wine, the Scottish Ministers must carry out checks to determine whether the information contained in the Appendix C certificate relating to the wine is correct.

6. Where an Appendix C certificate is submitted to the Scottish Ministers under paragraph 3, or a request is made to the Scottish Ministers in respect of an Appendix C certificate by a competent authority of a member State under paragraph 5, and the Scottish Ministers are satisfied that the information contained in the certificate relating to a GB Annex 15 wine is correct, the Scottish Ministers must notify the person who submitted the

certificate under paragraph 3 or the competent authority, as the case may be, of the Scottish Ministers' determination.

7. In relation to an Appendix C certificate being checked by the Scottish Ministers relating to a GB Annex 15 wine that is intended to be exported from Scotland to a member State, or that has been exported from Scotland to a member State, where the Scottish Ministers determine that any information contained in the Appendix C certificate is incorrect or the Scottish Ministers are unable (for whatever reason) to make a determination:

(a) the Scottish Ministers must notify the following of the determination or the Scottish Ministers' inability to make a determination:

(i) the person named as the consignor on the Appendix C certificate;

(ii) where the wine to which the Appendix C certificate relates has been exported to a member State;

(aa) in a case where a request has been made under paragraph 5, the competent authority that made the request;

(bb) in any other case, a competent authority of the member State to which the wine was exported;

(b) the Appendix C certificate is to be treated as a certificate that has not been authenticated for the purposes of Article 3(1) of Annex 15 to the TCA.

8. Any analytical check carried out by the Scottish Ministers when carrying out their function under this Article must be carried out using an appropriate reference method in the OIV Compendium.

9. The Scottish Ministers may carry out such other non-analytical checks as appear appropriate to the Scottish Ministers from time to time in connection with their function under this Article and may do so in such manner as appears appropriate to the Scottish Ministers from time to time.

10. In this Article, in relation to an Appendix C certificate relating to a GB Annex 15 wine, 'being checked by the Scottish Ministers' means being checked by the Scottish Ministers:

(a) at the Scottish Ministers' own volition, or

(b) following a request made under paragraph 3 or 5.

Article 19f

Checking of Appendix C certificates: export of GB Annex 15 wine from Wales to a member State

1. For the purpose of Article 3(1) of Annex 15 to the TCA, the Welsh Ministers are designated as the competent authority responsible for checking that the information contained in an Appendix C certificate relating to a GB Annex 15 wine that is intended to be exported from Wales to a member State is correct.

2. The Welsh Ministers, in checking Appendix C certificates completed for GB Annex 15 wine that is intended to be exported from Wales to a member State, may:

(a) check every Appendix C certificate;

(b) carry out checks of Appendix C certificates at such intervals as considered appropriate by the Welsh Ministers from time to time;

(c) carry out checks of Appendix C certificates on a risk-basis;

(d) carry out checks of Appendix C certificates on a random basis.

3. A person intending to export GB Annex 15 wine from Wales to a member State may submit an Appendix C certificate for the GB Annex 15 wine to the Welsh Ministers to check.

4. Where an Appendix C certificate is submitted to the Welsh Ministers under paragraph 3, the Welsh Ministers must check the certificate.

5. In relation to GB Annex 15 wine that has been exported from Wales to a member State, where a request is made to the Welsh Ministers by the competent authority of the member State to which the wine was exported, or by the competent authority of the member State in which the wine is currently situated, to check the Appendix C certificate relating to that wine, the Welsh Ministers must carry out checks to determine whether the information contained in the Appendix C certificate relating to the wine is correct.

6. Where an Appendix C certificate is submitted to the Welsh Ministers under paragraph 3, or a request is made to the Welsh Ministers in respect of an Appendix C certificate by a competent authority of a member State under paragraph 5, and the Welsh Ministers are satisfied that the information contained in the certificate relating to a GB Annex 15 wine is correct, the Welsh Ministers must notify the person who submitted the certificate under paragraph 3 or the competent authority, as the case may be, of the Welsh Ministers' determination.

7. In relation to an Appendix C certificate being checked by the Welsh Ministers relating to a GB Annex 15 wine that is intended to be exported from Wales to a member State, or that has been exported from Wales to a member State, where the Welsh Ministers determine that any information contained in the Appendix C certificate is incorrect or the Welsh Ministers are unable (for whatever reason) to make a determination:

(a) the Welsh Ministers must notify the following of the determination or the Welsh Ministers' inability to make a determination:

  (i) the person named as the consignor on the Appendix C certificate;

  (ii) where the wine to which the Appendix C certificate relates has been exported to a member State:

    (aa) in a case where a request has been made under paragraph 5, the competent authority that made the request;

    (bb) in any other case, a competent authority in the member State to which the wine was exported;

(b) the Appendix C certificate is to be treated as a certificate that has not been authenticated for the purposes of Article 3(1) of Annex 15 to the TCA.

8. Any analytical check carried out by the Welsh Ministers when carrying out their function under this Article must be carried out using an appropriate reference method in the OIV Compendium.

9. The Welsh Ministers may carry out such other non-analytical checks as appear appropriate to the Welsh Ministers from time to time in connection with their function under this Article and may do so in such manner as appears appropriate to the Welsh Ministers from time to time.

10. In this Article, in relation to an Appendix C certificate relating to a GB Annex 15 wine, 'being checked by the Welsh Ministers' means being checked by the Welsh Ministers:

(a) at the Welsh Ministers' own volition, or

(b) following a request made under paragraph 3 or 5.

Article 19g

Access to Appendix C certificates etc.

1. Where a competent authority of a member State requests electronic access to an Appendix C certificate for a GB Annex 15 wine exported from Great Britain to the member State, the appropriate authority must, where possible, provide electronic access to the relevant Appendix C certificate, or electronic access to the data on which the certificate is based, to the competent authority.

2. Where a request of the type specified in paragraph 1 has been made by a competent authority of a member State and there is no electronic system in place by which access to the Appendix C certificate, or the data on which the certificate is based, can be provided to the competent authority electronically, or it is not otherwise possible to provide electronic access as requested, the appropriate authority must provide the competent authority with a copy of the Appendix C certificate, or the data on which the certificate is based, in the form of a paper document.

3. In this Article, 'the appropriate authority' means:

(a) in relation to a GB Annex 15 wine exported to a member State from England, the Secretary of State;

(b) in relation to a GB Annex 15 wine exported to a member State from Scotland, the Scottish Ministers;

(c) in relation to a GB Annex 15 wine exported to a member State from Wales, the Welsh Ministers."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by the European Union (Future Relationship) Act 2020 (c. 29) in order to implement Articles 3, 4(3) and 5 of Annex 15 (trade in wine) to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community and the United Kingdom of Great Britain and Northern Ireland ("the TCA") and to deal with matters related to the implementation of Article 3 of that Annex.

Regulation 2 implements Article 4(3) of Annex 15 to the TCA (lot codes) by amending the Food (Lot Marking) Regulations 1996 (S.I. 1996/1502).

Regulations 3 and 4 implement Article 5 of Annex 15 to the TCA (transitional measures relating to labelling and placing on the market). Regulation 3 amends the Wine Regulations 2011 (S.I. 2011/2936) and regulation 4 amends the Food Information Regulations 2014 (S.I. 2014/1855).

Regulation 5 and the Schedule implement Article 3 of Annex 15 to the TCA (certification requirements relating to wine) by amending 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 (EUR 2018/273) to put in place provisions to underpin the simplified certification requirements in Article 3 of Annex 15 to the TCA relating to the export of GB wines to an EU member State.

Regulations 5 and 6 implement Article 3 of Annex 15 to the TCA relating to the import of EU wines into Great Britain and deal with matters related to the implementation of the TCA by omitting Article 90(3) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (EUR 2013/1308) (regulation 6) and making consequential amendments to that Regulation (also regulation 6) and Commission Delegated Regulation (EU) 2018/273 (regulation 5). In

consequence of these changes, the import into Great Britain of products to which Article 90(1) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council applies will not be subject to the presentation of a certificate and analysis report of the type mentioned in Article 90(3) of that Regulation (known as a VI-1 certificate).

A copy of the 2017 edition of the Harmonized Commodity Description and Coding System under the International Convention on the Harmonized System and a copy of Volumes 1 and 2 of the 2021 edition of the Compendium of International Methods of Analysis of Wines and Musts published by the International Organisation of Vine and Wine may be inspected, by arrangement, free of charge at the Department for Environment, Food and Rural Affairs, Second Floor, Seacole Block, 2 Marsham Street, London SW1P 4DF.

A copy of the 2017 edition of the Harmonized Commodity Description and Coding System is available electronically at:

http://www.wcoomd.org/en/topics/nomenclature/instrument-and-tools/hs-nomenclature-2017-edition/hs-nomenclature-2017-edition.aspx.

A copy of the 2021 Edition of the Compendium of International Methods of Analysis of Wines and Musts in two volumes (ISBN 978-2-85038-034-1 and ISBN 978-2-85038-033-4) is available electronically at:

https://www.oiv.int/en/technical-standards-and-documents/methods-of-analysis/compendium-of-international-methods-of-analysis-of-wines-and-musts-2-vol.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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