

2024 No. 115

AGRICULTURE, ENGLAND

The Wine (Amendment) (England) Regulations 2024

Made - - - - *29th January 2024*

Coming into force - - *15th July 2024*

The Secretary of State makes these Regulations in exercise of the power conferred by section 37(1) of the Agriculture Act 2020(a).

The Secretary of State has carried out a consultation in accordance with 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) in relation to the revisions to food law made by these Regulations.

In accordance with section 50(6)(a) of the Agriculture Act 2020, a draft of this instrument has been laid before Parliament and approved by resolution of each House of Parliament.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Wine (Amendment) (England) Regulations 2024 and come into force on 15th July 2024.

(2) These Regulations extend to England and Wales and apply in relation to England only.

Commission Delegated Regulation (EU) 2019/33

2. In 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(c), in Article 53, after paragraph 6 insert—

“7. No person may market a product in England using a term mentioned in paragraph 8 unless the product is a wine made exclusively from grapes naturally frozen on the vine.

8. The terms referred to in paragraph 7 are:

- (a) ‘ice wine’;
- (b) ‘icewine’;

(a) 2020 c. 21.

(b) EUR 2002/178, to which there are amendments not relevant to these Regulations.

(c) EUR 2019/33, amended by S.I. 2020/1637; there are other amending instruments but none is relevant.

- (c) ‘ice-wine’;
- (d) a term similar to a term mentioned in point (a), (b) or (c);
- (e) a term having the same meaning as a term mentioned in point (a), (b) or (c) in a language other than English;
- (f) a term having a similar meaning to a term mentioned in point (a), (b) or (c) in a language other than English.”.

Commission Delegated Regulation (EU) 2019/934

3.—(1) 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(a) is amended as follows.

(2) In Article 1a—

- (a) number the existing paragraph as paragraph (1);
- (b) after paragraph (1) (as renumbered by sub-paragraph (a)) insert—

“(2) In this Regulation, insofar as it relates to the use of oenological practices in England, ‘OIV Code of Oenological Practices’ means the 2023 issue of the International Code of Oenological Practices published by the International Organisation of Vine and Wine in Dijon in France in January 2023 (ISBN 978-2-85038-071-6).”.

(3) Part A of Annex 1 is amended in accordance with paragraphs (4), (5) and (6).

(4) After the heading of Part A and before the heading of Table 1 insert—

“In this Part, insofar as it relates to the use of oenological practices in England, ‘OIV Codex’ and ‘International Oenological Codex’ mean the 2023 issue of the International Oenological Codex published by the International Organisation of Vine and Wine in Paris in France in January 2023 (ISBN 978-2-85038-063-1).”.

(5) In Table 1 (authorised oenological processes referred to in Article 3(1) of Commission Delegated Regulation (EU) 2019/934)—

- (a) in the descriptive header row, in the third column (numbered 2), at the end insert “(including any geographic limitations)”;
- (b) after the row numbered 2 insert—

“2a	Cold treatments (England)	For use in England for fresh grapes and the products defined in points (1) to (12) (inclusive), (15) and (16) of Part 2 of Annex 7 to Regulation (EU) No 1308/2013. Subject to the conditions set out in: (a) point 1(c) of Section B of Part 1 of Annex 8 to Regulation (EU) No 1308/2013; (b) files 1.14 (2005), 1.15 (2005), 2.1.12.4 (1998), 2.3.6 (1988), 3.1.2 (1979), 3.1.2.1 (1979), 3.3.4 (2004) and 3.5.11.1 (2001) of the OIV Code of Oenological Practices.”;
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- (c) in the row numbered 8 (flotation), in the third column (numbered 2), after the second sentence insert—

“This row does not apply to the use of flotation in England. (See row 8a for the use of flotation in England.)”;

(a) EUR 2019/934, relevant amending instruments are S.I. 2020/1637, 2021/632, 2023/1362.

(d) after the row numbered 8 (flotation) insert the following row—

“8a	Flotation (England)	For use in England for the products defined in points (10) to (12) (inclusive) of Part 2 of Annex 7 to Regulation (EU) No 1308/2013 but only when using nitrogen or carbon dioxide or by aerating. Subject to the conditions set out in file 2.1.14 (2022) of the OIV Code of Oenological Practices.”;
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(e) at the end insert the following rows—

“20	Partial concentration (England)	For use in England, for grape must, subject to the conditions laid down in: (a) point 1(b) of Section B of Part 1 of Annex 8 to Regulation (EU) No 1308/2013; (b) files 2.1.12 (1998), 2.1.12.1 (1993), 2.1.12.2 (2001), 2.1.12.3 (1998) and 2.1.12.4 (1998) of the OIV Code of Oenological Practices. For use in England for wine, subject to the conditions laid down in: (a) point 1(c) of Section B of Part 1 of Annex 8 to Regulation (EU) No 1308/2013; (b) files 3.5.11 (2001) and 3.5.11.1 (2001) of the OIV Code of Oenological Practices. The treatment in relation to use for grape must and wine must be recorded in the register referred to in Article 147(2) of Regulation (EU) No 1308/2013.
21	Treatment by discontinuous high pressure processes (England)	For use in England with fresh grapes, grape must, partially fermented grape must and partially fermented grape must extracted from raisined grapes. Subject to the conditions laid down in files 1.18 (2019) and 2.1.26 (2019) of the OIV Code of Oenological Practices.
22	Treatment by continuous high pressure processes (England)	For use in England with grape must, partially fermented grape must and partially fermented grape must extracted from raisined grapes. Subject to the conditions laid down in file 2.2.10 (2020) of the OIV Code of Oenological Practices.
23	Treatment by ultrasound (England)	For use in England on fresh grapes for a rapid extraction of grape compounds. Subject to the conditions laid down in file 1.17 (2019) of the OIV Code of Oenological Practices.
24	Treatment of grapes by pulsed electric fields (England)	For use in England with fresh grapes. Subject to the conditions laid down in file 2.1.27 (2020) of the OIV Code of Oenological Practices.
25	Treatment using adsorbent styrene-divinylbenzene beads (England)	For use in England on the products defined in points (1) to (12) (inclusive), (15) and (16) of Part 2 of Annex 7 to Regulation (EU) No 1308/2013. Subject to the conditions laid down in files 2.2.11 (2020) and 3.4.22 (2020) of the OIV Code of Oenological Practices.”.

(6) In Table 2 (authorised oenological compounds referred to in Article 3(1) of Commission Delegated Regulation (EU) 2019/934)—

- (a) in the descriptive header row, in the eighth column (numbered 7), at the end insert “(including any geographic limitations)”;
- (b) in section 1 (acidity regulators)—
 - (i) after the row numbered 1.7 insert the row in Part 1 of the Schedule;

- (ii) after the row numbered 1.9 insert the rows in Part 2 of the Schedule;
- (c) in section 2 (preservatives and antioxidants), after the row numbered 2.7 insert the row in Part 3 of the Schedule;
- (d) in section 3 (sequestrants)—
 - (i) in the title row numbered 3, in the second column, for “Sequestrants” substitute “Adsorbents”;
 - (ii) in the row numbered 3.2 (selective vegetal fibres), in the eighth column (numbered 7) insert—

“This row does not apply to the use of selective vegetal fibres in England. (See row 3.2a for the use of selective vegetal fibres in England.)”;

- (iii) after the row numbered 3.2 insert the row in Part 4 of the Schedule;
- (e) in section 4 (activators for alcoholic and malolactic fermentation)—
 - (i) in the row numbered 4.1 (microcrystalline cellulose), in the eighth column (numbered 7), after the first sentence insert—

“This row does not apply to the use of microcrystalline cellulose in England. (See row 4.1a for the use of microcrystalline cellulose in England.)”;

- (ii) after the row numbered 4.1 insert the row in Part 5 of the Schedule;
- (f) in section 6 (stabilising agents)—
 - (i) in the row numbered 6.8 (gum arabic), in the eighth column (numbered 7), at the end insert—

“This row does not apply to the use of gum arabic in England. (See row 6.8a for the use of gum arabic in England.)”;

- (ii) after the row numbered 6.8 insert the row in Part 6 of the Schedule;
- (iii) in the row numbered 6.11 (carboxymethylcellulose) in the eighth column (numbered 7), after the first sentence insert—

“This row does not apply to the use of carboxymethylcellulose in England. (See row 6.11a for the use of carboxymethylcellulose in England.)”;

- (iv) after the row numbered 6.11 insert the row in Part 7 of the Schedule;
- (g) in section 7 (enzymes), after the row numbered 7.8 insert the rows in Part 8 of the Schedule.

29th January 2024

Mark Spencer
Minister of State
Department for Environment, Food and Rural Affairs

SCHEDULE

Regulation 3(6)

Rows inserted in Table 2 in Part A of Annex 1 to Commission Delegated Regulation (EU) 2019/934

PART 1

Row inserted after the row numbered 1.7 (row 1.8)

“1.8	Calcium sulphate (England)	E 516/-	File 2.1.3.1.1.1 (2017)	X		For use in England.	(3)”
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PART 2

Rows inserted after the row numbered 1.9 (rows 1.10 to 1.12)

“1.10	Citric acid (England)	E 330	Files 3.1.1 (1979) and 3.1.1.1 (2001)	COEI-1-CITACI	X		For use in England. Conditions and limits laid down in Sections C and D of Part 1 of Annex 8 to Regulation (EU) No 1308/2013. The treatment must be recorded in the register referred to in Article 147(2) of Regulation (EU) No 1308/2013. In relation to the objectives in files 3.1.1 (1979) and 3.1.1.1 (2001) of the OIV Code of Oenological Practices, only objective a) of each	(1), (3) to (9) (inclusive), (15) and (16)
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1.11	Yeasts for wine production (England)	Files 2.3.1 (2016), 2.1.3.2.3 (2019) and 2.1.3.2.3.1 (2019)	COEI-1-SACCCHA COEI-1-NOSACC	X	file applies. Maximum content in wine treated and placed on the market: 1 g/l. For use in England. Conditions and limits laid down in Sections C and D of Part 1 of Annex 8 to Regulation (EU) No 1308/2013. The treatment must be recorded in the register referred to in Article 147(2) of Regulation (EU) No 1308/2013.	(10), (11) and (12)
1.12	Lactic acid bacteria (England)	Files 2.1.3.2.3 (2019), 2.1.3.2.3.2 (2019), 3.1.2 (1979) and 3.1.2.3 (1980)	COEI-1-BALACT	X	For use in England. Conditions and limits laid down in Sections C and D of Part 1 of Annex 8 to Regulation (EU) No 1308/2013. The treatment must be recorded in the register referred to in Article 147(2) of Regulation (EU) No 1308/2013.	(1) to (12) (inclusive), (15) and (16)”

PART 3

Row inserted after the row numbered 2.7 (row 2.8)

“2.8	Fumaric acid (England)	File 3.4.23 (2023)	X	For use in England. Only to inhibit malolactic fermentation.	(1), (3) to (9) (inclusive), (15) and (16)”
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PART 4

Row inserted after the row numbered 3.2 (row 3.2a)

“3.2a	Selective vegetal fibres (England)	File 3.4.20 (2022)	COEI-1-FIBVEG	X	For use in England.	(1), (3) to (9) (inclusive), (15) and (16)”
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PART 5

Row inserted after the row numbered 4.1 (row 4.1a)

“4.1a	Microcrystalline cellulose (England)	Files 2.3.2 (2019) and 3.4.21 (2015)	COEI-1-CELMIC	X	For use in England. Its use must comply with the specifications laid down in the Annex to Regulation (EU) No 231/2012(a).	Fresh grapes, (1) to (12) (inclusive), (15) and (16)”
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(a) EUR 2012/231, to which there are amendments not relevant to these Regulations.

PART 6

Row inserted after the row numbered 6.8 (row 6.8a)

“6.8a	Gum arabic (England)	E 414/CAS 9000-01-5	File 3.3.6 (2022)	COEI-1-GOMARA	X	For use in England. Use at a level not higher than necessary to achieve its intended purpose as a stabilising agent.	Partially fermented must for direct human consumption as such, (1), (3) to (9) (inclusive), (15) and (16)”
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PART 7

Row inserted after the row numbered 6.11 (row 6.11a)

“6.11a	Carboxymethylcellulose (England)	E466/-	File 3.3.14 (2020)	COEI-1-CMC	X	For use in England. Only to ensure tartaric stabilisation.	White and rosé wines and (4) to (9) (inclusive)”
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PART 8

Rows inserted after the row numbered 7.8 (rows 7.9 to 7.12)

“7.9	Arabinanase (England)	EC 3.2.1.99	Files 1.13 (2021), 2.1.4 (2021), 2.1.18 (2021), 3.2.8 (2021) and 3.2.11 (2021)	COEI-1-ACTARA COEI-1-PRENZY	X	For use in England. Only for oenological purposes in maceration, clarification, stabilisation, filtration and to reveal the aromatic precursors of grapes.	Fresh grapes, (1) to (12) (inclusive) and (15) and (16)
7.10	Beta-glucanase (β 1-3, β 1-6) (England)	EC 3.2.1.6	File 3.5.7 (2013)	COEI-1-ACTGLU COEI-1-PRENZY	X	For use in England. Only for oenological purposes in maceration, clarification, stabilisation, filtration and to reveal the aromatic precursors of grapes.	(1), (3) to (9) (inclusive), (15) and (16)
7.11	Glucosidase (England)	EC 3.2.1.21	Files 2.1.19 (2013) and 3.2.9 (2013)	COEI-1-GLYCOS COEI-1-PRENZY	X	For use in England. Only for oenological purposes in maceration, clarification, stabilisation, filtration and to reveal the aromatic precursors of grapes.	(1) to (12) inclusive, (15) and (16)
7.12	Aspergillopepsin I (England)	EC 3.4.23.18	Files 2.2.12 (2021) and 3.3.16 (2021)	COEI-1-PROTEA COEI-1-PRENZY	X	For use in England. Only for oenological purposes in maceration, clarification, stabilisation, filtration and to reveal the aromatic precursors of grapes.	(1) to (12) (inclusive), (15) and (16)”

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 England.

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.

A copy of the 2023 issue of the International Code of Oenological Practices and the 2023 issue of the International Oenological Codex, both published by the International Organisation of Vine and Wine in January 2023, 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 2023 issue of the International Code of Oenological Practices (ISBN 978-2-85038-071-6) is available electronically at:

<https://www.oiv.int/sites/default/files/publication/2023-04/CPO%20complet%20EN%202023.pdf>

A copy of the 2023 issue of the International Oenological Codex (ISBN 978-2-85038-063-1) is available electronically at:

<https://www.oiv.int/sites/default/files/publication/2023-04/CODEX%20complet%202023%20EN.pdf>

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

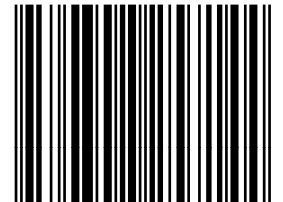
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