

Government Response: *The Wine (Amendment) (Wales) Regulations 2024*

Technical Scrutiny point 1: The Welsh Government are of the view that the preamble to this S.I. does not need amendment as the drafting approach taken is not uncommon – see for example, the Genetically Modified Food and Feed (Authorisations)(Wales) Regulations 2022 (2022/472) which referred to this EU Regulation in the same way in its Preamble and which was not reported. Furthermore, this is also exactly how that EU Regulation is referred to in the draft English Regulations and the draft Welsh Regulations mirror these English Regulations

Technical Scrutiny point 2: The Welsh Government can confirm that the reference to 3/4/2023 is correct because it is the latest technical definition for the treatment of wine with fumaric acid to inhibit malolactic fermentation and is in the current version of the Oenological Code. The 2021 reference (OENO 581A-2021) referred to in LJCC's report is to the record of the original resolution by the OIV to permit use of fumaric acid to inhibit malolactic fermentation. The definition (3/4/2023) prescribes exactly the same treatment for the same objective as permitted by the 2021 resolution.

Merit Scrutiny point 3: The Welsh Government has not prepared a RIA for two reasons. One is the provisions for “ice-wine” are putting into effect a policy already decided by UKG when it signed the CPTPP Protocol of Accession in July 2023, meaning the Welsh Government has no choice other than to amend the law. The other reason is the changes update regulations to permit businesses to operate to the latest OIV code of practice, a body which undertakes extensive consultative and scientific scrutiny of changes, and the changes being ones where GB consultation on the regulations identified widespread business support and no concerns about negative impact.

The Welsh Government does not consider the changes made to Commission Delegated Regulation (EU) 2019/934 to be “extensive”. Relative to the very large and broad scope of the whole International Code of Oenological Practices the changes are few in number and only apply to a few aspects of oenological practices. The changes made to Table 1, Annex 1 of Commission Delegated Regulation (EU) 2019/934 by Regulation 3(5)(d) are mostly additions to permitted processes which provide wine businesses with opportunity to adopt new practices. These practices have been subject to consultation and the OIV's extensive scrutiny process. The changes made by the Schedule (Regulation 3(6)) add to the list of authorised oenological compounds, or update compounds already on that list, listed in Table 2 of Commission Delegated Regulation (EU) 2019/934. Making these changes enable businesses to use the most up to date approved list of compounds.

The changes themselves are technical and have all been approved by OIV members, which include the UK. The Code sets international standards for wine and so is relevant to international trade. Making the changes enables Welsh businesses to operate on the same terms as other businesses in the UK or abroad.