

EXPLANATORY MEMORANDUM TO
THE ALCOHOLIC BEVERAGES (AMENDMENT) (ENGLAND) REGULATIONS 2023
2023 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 instrument

2.1 These Regulations will amend rules concerning the labelling of alcohol content and vine varieties on wines, and add flexibility on how the terms ‘alc’ / ‘vol’ can be shown in relation to the numerical alcohol content for all alcoholic drinks.

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 jurisdictions 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 TBC

6. Legislative Context

6.1 This instrument is made in order to implement obligations in the UK-NZ FTA.

6.2 This instrument will amend the following retained EU Regulation concerning the labelling of alcohol content and multiple grape varieties for wine to take account of requirements set down in Annex 7A (Wine and Distilled Spirits) to the Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and New Zealand (the UK-NZ FTA):

- 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 The instrument will also amend the following retained EU Regulation concerning the labelling of the term ‘alc/vol’ in terms of where it can be shown in relation to the numerical alcohol content for all alcoholic drinks to take account of requirements set down in Annex 7A (Wine and Distilled Spirits) to the Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and New Zealand (the UK-NZ FTA).

- Regulation (EU) No 1169/2011 of the European Parliament and of the Council

7. Policy background

What is being done and why?

- 7.1 The United Kingdom and New Zealand have agreed that the trade in wine and spirits between the parties should be conducted under the terms set out in Annex 7A to the UK-NZ FTA. In order for the UK to meet the obligations set down in the Agreement, changes need to be made to retained EU Regulations affecting alcoholic beverages.

Explanations

- 7.2 This instrument will amend Article 44 (Actual Alcoholic Strength) of retained Regulation (EU) 2019/33 to allow the term ‘alc/vol’ to be used after the alcohol figure displayed on the label of wine products, for example 12.5% alc/vol. This has not been permitted previously. Likewise, this instrument will also amend Annex 12 (Alcoholic Strength) of retained Regulation (EU) No 1169/2011 to allow the term ‘alc/vol’ to be used after the alcohol figure displayed on the label of any other alcoholic beverage, for example 12.5% alc/vol. Again, this has not been permitted previously. These changes were requested by New Zealand to take account of its current labelling practices making it easier for New Zealand wines to be imported into Great Britain. This change will take account of requirements set out in paragraph 12 of Section A (wine) and paragraph 7 of Section B (distilled spirits) of Annex 7A to the UK-NZ FTA and implement the new measures for all alcohol sold on the domestic market. This will provide all alcohol (spirits, beer and cider) producers and operators the same provision allowing greater flexibility with labelling products.
- 7.3 This instrument will also amend Article 44 of retained Regulation (EU) No 2019/33 to provide for wine to be marketed with an alcohol content that is shown to a maximum of not more than one decimal point, for example, 12.2%. Current rules require that alcohol content on wine be shown only in whole or whole and half units. Whole and half units can still be used, e.g. 12 % or 12.5%, as they will comply with the requirement that the alcoholic content is shown to not more than one decimal place. All labelling of wine will continue to be subject to the application of the 0.5% or 0.8% analytical tolerance provided for in Article 44 (Actual Alcoholic Strength) of Regulation (EU) No 2019/33.
- 7.4 This change will take account of requirements set out in paragraph 12 of Section A (wine) of Annex 7A to the UK-NZ FTA and will apply to all wine sold on the market in England. This will bring the labelling of alcohol content for wine in line with other alcoholic drinks and allow greater flexibility with labelling products to producers.
- 7.4 The provisions also offer the prospect of wines being labelled with a more accurate indication of the alcohol content for consumers. It will also still enable whole or whole half unit to be used, which will help in cases where wine may be exported to the EU.
- 7.5 Finally, this instrument will amend Article 50(1)(a)(ii) (Name of Grape Variety) of retained Regulation (EU) No 2019/33 to allow a wine label to show multiple grape varieties, if the use of the stated varieties total 95% of the varieties used in its production. Current rules require that where multiple grape varieties are shown on the label they must total 100% of the varietal content of the wine. This provision will take account of the requirement set out in paragraph 14 of Section A of Annex 7A to the UK-NZ FTA.
- 7.6 This change was requested by New Zealand to reflect its specific winemaking practices. In agreeing to the request, the UK took into account the current rules that apply to marketing wine with a single varietal on the label, where that varietal only needs to account for 85% of the wine (Article 50 (1)(a)(i) of retained Regulation (EU) No 2019/33). This change will apply to all wines marketed in England, whether from New Zealand, the United Kingdom or a third country and will allow greater flexibility with labelling products.

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.

9. Consolidation

9.1 This is not a consolidating instrument.

10. Consultation outcome

10.1 TBC

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 required for these regulation changes because the impacts on private businesses are expected to be nil. The changes being introduced here are flexibilities designed to make retained rules that apply in England compliant with those of New Zealand. Businesses will still have the option to label their products as they currently do.

13. Regulating small business

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

13.2 The measures being implemented in this legislation represent the minimum necessary to take account of the UK-NZ FTA. We are removing restrictions that would mean New Zealand wine marketed in England would have to be relabelled, as well as providing flexibility to all producers and traders in how they market wine in England.

14. Monitoring & review

14.1 As this instrument has no significant impact on small and medium sized business, no review clause is required.

14.2 The instrument will ensure that regulation in England is the compliant with the provisions in Annex 7A to the UK-NZ FTA dealing with the trade in wine and distilled spirits. Trade in wine and distilled spirits is an economically important area for UK and the Government will continue to play close attention to this and specifically the provisions concerning the labelling of alcohol content and multiple grape varieties

15. Contact

15.1 George Couch at the Department for Environment, Food and Rural Affairs. Telephone: 020 8720 2809 or email: george.couch@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.