Draft Regulations laid before Parliament under section 48(3A) of the Food Safety Act 1990 and sections 37(6) and 50(6)(a) of the Agriculture Act 2020, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2023 No. 0000

AGRICULTURE, ENGLAND

FOOD, ENGLAND

The Alcoholic Beverages (Amendment) (England) Regulations 2023

Made - - - -	***
Coming into force - -	***

The Secretary of State makes these Regulations in exercise of the power conferred by section 16(1)(e) of the Food Safety Act 1990(**a**) (as read with section 16(3A) of that Act) and section 37 of the Agriculture Act 2020(**b**).

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(**c**) during the preparation, evaluation and revision of food law in relation to these Regulations.

In accordance with section 48(3A) of the Food Safety Act 1990 and sections 37(6) and 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 and extent

1.—(1) These Regulations may be cited as the Alcoholic Beverages (Amendment) (England) Regulations 2023.

(2) These Regulations come into force on the 21st day after the day on which these Regulations are made.

(3) These Regulations extend to England and Wales.

(**a**) 1990 c. 16; section 16(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28). Sections 16(3A) and 48(3A) were inserted by section 174(1) and (2)(b) of the Health and Care Act 2022 (c. 31) respectively.
(**b**) 2020 c. 21.
(**c**) EUR 2002/178, to which there are amendments not relevant to these Regulations.

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

2. In Annex 12 (alcoholic strength) to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers(**a**), after the first paragraph insert—

"In relation to a beverage marketed in England to which the first paragraph applies, the second sentence of that paragraph is to be read as if at the end there were inserted ', or the figure may be followed by '% alc/vol''.".

Commission Delegated Regulation (EU) 2019/33

3.—(1) 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(**b**) is amended as follows.

(2) In Article 44 (actual alcoholic strength)—

(a) after the first paragraph insert—

"In relation to a product marketed in England to which the first paragraph applies, that paragraph is to be read as if for 'in percentage units or half units' there were substituted 'to not more than one decimal place'.";

(b) after the third paragraph (taking into account the paragraph inserted by sub-paragraph (a)) insert—

"In relation to a product marketed in England to which the third paragraph applies, the first sentence of that paragraph is to be read as if at the end there were inserted 'or the figure may be followed by '*% alc/vol*''.".

(3) After Article 50(1) (name of wine grape variety) insert—

"1a. In relation to a grapevine product marketed in England to which paragraph 1(a)(ii) applies, the first subparagraph of point (ii) is to be read as if, in the words before the first indent, for '100 %' there were substituted 'at least 95%'.".

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

(**a**) EUR 2011/1169, to which there are amendments not relevant to these Regulations.
(**b**) EUR 2019/33, amended by S.I. 2020/1637; there are other amending instruments but none is relevant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments in relation to the labelling of alcoholic beverages marketed in England.

Regulation 2 amends Annex 12 to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers (EUR 2011/1169) to enable an alternative indicator ("% alc/vol") to be used (instead of one of the other specified indicators) with a figure indicating the actual alcoholic strength of a beverage to which that Annex applies.

Regulation 3(2) amends Article 44 of 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 (EUR 2019/33) ("Regulation (EU) 2019/33") —

(a) to require the actual alcoholic strength of wine and certain other wine sector products to be indicated to a figure of not more than one decimal point (instead of a requirement that the indication be given in percentage units or half units);

(b) to enable an alternative indicator ("% alc/vol") to be used (instead of one of the other specified indicators) with a figure indicating the actual alcoholic strength of wine and certain other wine sector products to which Article 44 applies.

Regulation 3(3) amends Article 50(1) of Regulation (EU) 2019/33 to enable wine and certain other wine sector products on the labels of which two or more wine grape varieties (or their synonyms) are named to be marketed in England where 95% of the product (reduced from 100%) has been made from those varieties. This is subject to compliance with existing labelling requirements relating to the naming of those varieties in Article 50(1).

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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