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STATUTORY INSTRUMENTS

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**2021 No. 632**

The Food and Drink (Miscellaneous Amendments  
Relating to Food and Wine Composition,  
Information and Labelling) Regulations 2021

PART 3

Amendment of retained direct EU legislation

**Amendment of Regulation (EU) No 1169/2011**

6. In Article 8(1) of Regulation (EU) No 1169/2011<sup>(1)</sup> of the European Parliament and of the Council on the provision of food information to consumers—

- (a) for “Union”, in the first place it occurs, substitute “British Islands”;
- (b) for “Union market” substitute “British Islands”.

**Amendment of Commission Implementing Regulation (EU) No 1337/2013**

7.—(1) Commission Implementing Regulation (EU) No 1337/2013<sup>(2)</sup> laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry is amended as follows.

(2) In Article 2(2), after point (b) insert—

- “(c) ‘country’, in relation to the United Kingdom, means the United Kingdom as a whole and does not mean England, Northern Ireland, Scotland or Wales individually.”.

(3) In Article 5—

(a) in paragraph 1—

- (i) in the first subparagraph, in points (a) and (b), omit “Member State or third” in each place it occurs;

(ii) in the second subparagraph—

(aa) omit “Members States or third”;

(bb) for the words from ““Reared in””, in the first place it occurs, to the end substitute ““Reared in several countries””;

(iii) in the third subparagraph omit “Member States or third” in each place it occurs;

(b) in paragraph 2 omit “Member State or third” in both places it occurs;

(c) in paragraph 3, in point (a), omit “Member States or third”;

(d) after paragraph 3 insert—

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(1) EUR 2011/1169, as amended by S.I. 2019/529, 778 and 2020/1501.

(2) EUR 2013/1337.

“4. In this Article, ‘country’ includes:

- (a) the Bailiwick of Guernsey;
- (b) the Bailiwick of Jersey;
- (c) the Isle of Man.”.

(4) In Article 6—

- (a) in the heading, for “third” substitute “other”;
- (b) for “Union market” substitute “market in Great Britain”;
- (c) for “non-EU” substitute “non-UK”;
- (d) omit “third”;
- (e) after the existing paragraph insert—

“In this Article, ‘country’ means any country, other than the United Kingdom, and includes:

- (a) the Bailiwick of Guernsey;
- (b) the Bailiwick of Jersey;
- (c) the Isle of Man.”.

(5) In Article 7—

- (a) omit points (a) and (b);
- (b) in point (c)—
  - (i) for “non-EU” substitute “non-UK”;
  - (ii) for “Union” substitute “United Kingdom”;
- (c) in point (d)—
  - (i) for “non-EU” substitute “non-UK”;
  - (ii) for “in: EU” substitute “in: UK”;
  - (iii) for “Union” substitute “United Kingdom”;
  - (iv) for “one or different Member States” substitute “the United Kingdom”;
- (d) for point (e) substitute—

“(e) in a case where neither the indication in point (c) or (d) would be accurate, an indication of rearing and slaughtering as follows:

- (i) ‘Reared in:’ followed, as appropriate, by ‘UK’, ‘non-UK’ or ‘UK and non-UK’; and
- (ii) ‘Slaughtered in:’ followed, as appropriate, by ‘UK’, ‘non-UK’ or ‘UK and non-UK’.”.

(6) In Article 9, omit the words from “It shall be” to “Member States”.

#### **Amendment of Commission Implementing Regulation (EU) 2018/775**

**8.—**(1) In Article 2 of Commission Implementing Regulation (EU) 2018/775(3) laying down rules for the application of Article 26(3) of [Regulation \(EU\) No 1169/2011](#) of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food, for point (a)(i) substitute—

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(3) EUR 2018/775, as amended by [S.I. 2020/1501](#).

“(i) ‘UK’, ‘non-UK’ or ‘UK and non-UK;”.

### **Amendment of Commission Delegated Regulation (EU) 2019/33**

**9.**—(1) Commission Delegated Regulation (EU) 2019/33(4) 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 is amended as follows.

- (2) Omit Article 5(3).
- (3) Omit Article 23.
- (4) Article 45 is amended in accordance with paragraphs (5) to (7).
- (5) In paragraph 1—
  - (a) in the first subparagraph—
    - (i) in point (a)—
      - (aa) for “‘, *product of (...)*’ or ‘*sekt of (...)*’” substitute “‘ or ‘*product of (...)*’”;
      - (bb) for “Member State” substitute “constituent nation”;
    - (ii) omit points (b) and (c);
    - (iii) in point (d), before “third”, in both places it occurs, insert “constituent nations or”;
    - (iv) in point (e)—
      - (aa) before “third”, in the first place it occurs, insert “constituent nations or”;
      - (bb) before “third”, in the second and third places it occurs, insert “constituent nation or”;
  - (b) in the second subparagraph, for “Member State” substitute “constituent nation or third country”.
- (6) In paragraph 2—
  - (a) in point (a), for “Member State” substitute “constituent nation in which the grapevine product was produced”;
  - (b) in point (b)—
    - (aa) for “*European Union countries*” substitute “*constituent nations*”;
    - (bb) for “Member States” substitute “constituent nations”;
  - (c) in point (c), for “Member State” substitute “same constituent nation”.
- (7) For paragraph 3, substitute—

“**3.** As regards the provisions laid down in paragraph 1 and 2, ‘United Kingdom’ may be used instead of constituent nation to indicate provenance.

**4.** In this Article, ‘constituent nation’ means England, Northern Ireland, Scotland or Wales, as the case may be.”.
- (8) In Article 46—
  - (a) in paragraph 1—
    - (i) in point (a)—
      - (aa) for “European Union” substitute “United Kingdom”;

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(4) EUR 2019/33, as amended by [S.I. 2020/1637](#).

- (bb) after “behalf” insert “, but for the purposes of paragraph 4, until (and including) 30 September 2022, the bottler may be established in the European Union”;
- (ii) in point (d)—
  - (aa) for “Union”, in the first place it occurs, substitute “United Kingdom or, until (and including) 30 September 2022, in the European Union”;
  - (bb) for the words from “non-Union” to the end substitute “chargeable goods within the meaning given by section 2 of the Taxation (Cross-border Trade) Act 2018<sup>(5)</sup>”;
- (iii) in point (f) omit “Member State or third”;
- (b) in paragraph 2—
  - (i) in the first subparagraph, in point (b)—
    - (aa) in the words before point (i), omit “by terms, whose conditions of use are defined by Member States.”;
    - (bb) in point (iii), for “concerned.” substitute—
      - “concerned,
      - by any term authorised by the appropriate authority under legislation that prescribes the conditions under which any such term may be used, provided that the term is used in accordance with any such conditions.”;
  - (ii) in the third subparagraph, for “Member State, the name of that State” substitute “country, the name of that country”;
  - (iii) in the fourth subparagraph omit the words from “, except” to the end;
- (c) in paragraph 3, in the second subparagraph, for “Member States may decide to” substitute “Nothing in this Regulation prevents the appropriate authority from making legislation to”;
- (d) in paragraph 4—
  - (i) for “Union” substitute “United Kingdom”;
  - (ii) before “2” insert “1(a) and”;
- (e) in paragraph 5, in the second subparagraph—
  - (i) for the words from “determined” to “head office” substitute “, if specified in legislation”;
  - (ii) for “Member State in question” substitute “country in which the bottler, producer, importer or vendor has its head office”;
- (f) in paragraph 6 omit the final subparagraph.

#### **Amendment of Commission Delegated Regulation (EU) 2019/934**

**10.**—(1) Commission Delegated Regulation (EU) 2019/934<sup>(6)</sup> 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 is amended as follows.

- (2) In Article 3, in paragraph 2—
  - (a) for “Commission” substitute “appropriate authority”;

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<sup>(5)</sup> 2018 c. 22.

<sup>(6)</sup> EUR 2019/934, as amended by [S.I. 2020/1637](#).

- (b) for “in the Official Journal of the European Union, C series” substitute “on the gov.uk website”.
- (3) In Article 8, omit paragraph 2.
- (4) Annex 1 is amended in accordance with paragraphs (5) to (8).
- (5) In Part A—
  - (a) in Table 1, in row 9, in column 2 (conditions and limits of use), omit the sentence beginning “In Italy”;
  - (b) in Table 2—
    - (i) omit row 1.8;
    - (ii) in row 6.11, in column 8 (categories of wine products), for “Vins blancs” substitute “White wines”;
    - (iii) omit row 11.1;
    - (iv) in footnote (1), for “Union” substitute “European Union or, after IP completion day, legislation in force in Great Britain”;
  - (c) in Appendix 1, omit point 1;
  - (d) omit Appendix 2;
  - (e) in Appendix 3—
    - (i) in the first subparagraph, omit “and Union and national provisions adopted in implementation thereof”;
    - (ii) in the second subparagraph, for the words from “authorities of the Member States” to the end substitute “appropriate authority. Nothing in this Regulation prevents the appropriate authority from using any power it has to specify the duties and responsibilities of approved oenologists and technicians.”;
  - (f) in Appendix 4—
    - (i) in the first subparagraph—
      - (aa) for “authorities of the Member State in whose territory” substitute “appropriate authority of the constituent nation in which”;
      - (bb) for “Member State”, in the second place it occurs, substitute “appropriate authority”;
    - (ii) omit the final subparagraph;
  - (g) in Appendix 8, for point (7) substitute—

“(7) The oenologist or qualified technician must notify the appropriate authority prior to any treatment.”.
- (6) In Part B—
  - (a) in section A (the sulphur dioxide content of wines)—
    - (i) in point 2, for points (c) to (e) substitute—

“(c) 300 milligrams per litre for wine with a sugar content of more than 45 g/l.”;
    - (ii) omit point 3;
    - (iii) in point 4—
      - (aa) in the first sentence, for “Member States” substitute “the appropriate authority”;

- (bb) in the second sentence, for the words from “Member States” to “the Commission” substitute “The appropriate authority shall, within one month of the grant of a derogation, notify the other appropriate authorities of the derogation granted”;
  - (cc) for the final sentence, substitute “The appropriate authority concerned must then publish the derogation on the gov.uk website.”;
- (iv) in point 5—
  - (aa) for “Member States may” substitute “Nothing in this Regulation prevents the appropriate authority from using any power it has to”;
  - (bb) for “their” substitute “its”;
- (b) in section C (the sulphur dioxide content of sparkling wines), in point 2—
  - (i) for “certain wine-growing areas of the Union, the Member States” substitute “a constituent nation, the appropriate authority”;
  - (ii) for “the Member State in question” substitute “Great Britain”.
- (7) In Part C—
  - (a) in point 2—
    - (i) in point (a), for “the Union” substitute “Great Britain”;
    - (ii) in point (b), for “the Union” substitute “Great Britain”;
  - (b) in point 3—
    - (i) in the words before point (a), for “Member States may” substitute “Nothing in this Regulation prevents the appropriate authority from using any power it has to”;
    - (ii) omit the final subparagraph (following point (b)).
- (8) In Part D—
  - (a) in point 2, in both places, for “the Union” substitute “Great Britain”;
  - (b) in point 3, for “be authorised by a Member State only” substitute “only take place”.
- (9) Annex 2 is amended in accordance with paragraphs (10) to (12).
- (10) In Section A, in point 4—
  - (a) in the words before point (a)—
    - (i) for “each Member State may” substitute “nothing in this Regulation prevents the appropriate authority from using any power it has to”;
    - (ii) before “authorise” insert “to”;
  - (b) for point (d) substitute—
    - “(d) the enrichment does not exceed 3 % vol. for a cuvée; and”.
- (11) In Section B—
  - (a) in point 2—
    - (i) for “Producer Member States may” substitute “Nothing in this Regulation prevents the appropriate authority from using any power it has to”;
    - (ii) for “their” substitute “its”;
  - (b) in point 4(a), omit the final sentence.
- (12) In Section C—
  - (a) in point 1—
    - (i) omit the first indent;

- (ii) in the second indent, omit “in other wine-growing zones”;
- (b) omit point 2;
- (c) in point 9(a), omit the final sentence.
- (13) Annex 3 is amended in accordance with paragraphs (14) and (15).
- (14) In Section A—
  - (a) in point 2(a), omit the “and” at the end;
  - (b) omit point 2(b);
  - (c) in point 3, for “which the Member States may adopt” substitute “adopted by the constituent nations”;
  - (d) in point 4—
    - (i) in point (a), omit the second and third indents;
    - (ii) omit point (c).
- (15) Omit Section B and Appendices 1 to 3.

#### **Amendment of Commission Implementing Regulation (EU) 2019/935**

**11.** In the Annex to Commission Implementing Regulation (EU) 2019/935(7) laying down rules for the application of [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council as regards analysis methods for determining the physical, chemical and organoleptic characteristics of grapevine products and notifications of Member States decisions concerning increases in natural alcoholic strength, in the heading omit “Union”.