POLICY NOTE

THE ALCOHOLIC BEVERAGES, FRUIT AND VEGETABLES (MISCELLANEOUS AMENDMENT) (SCOTLAND) REGULATIONS 2023

SSI 2023/107

The above instrument was made by the Scottish Ministers in exercise of powers conferred by section 16(1)(e) of the Food Safety Act 1990 (as read with section 16(3A) of that Act), section 9(1) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020 and all other powers enabling them to do so. The instrument is subject to the affirmative procedure.

Summary Box

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Purpose of the instrument: 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. These Regulations will also make some corrections to Article 11(1) of Regulation (EU) No 543/2011 due to a minor error in a recent statutory instrument.

Policy Objectives

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

This instrument will amend Annex 12 of retained EU law Regulation (EU) No 1169/2011 of the European Parliament and the Council to allow the term 'alc/vol' to be used after the alcohol figure displayed on the label of any alcoholic beverage, for example 12.5% alc/vol. 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.

This instrument will also amend Article 44 of retained Commission Delegated 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 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.

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 implement the new measures for all wine sold on the domestic market.

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.

This instrument will also amend Article 50 (1)(a)(ii) of retained Commission Delegated Regulation (EU) No 2019/33 to allow wine to be marketed showing multiple grape varieties on the label if the use of the stated varieties total 95% of the varietal content of the wine.

Current rules require that where multiple grape varieties are shown on the label they must total 100% of the grape varieties used in its production.

This provision will take account of the requirement set out in paragraph 14 of Section A of Annex 7A to the UK-NZ FTA.

This change was 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.

Finally, the instrument amends article 11 of Retained EU law Regulation (EU) No 543/2011 to correct minor errors contained in regulation 5(5) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020 (Consequential Modifications) and Agricultural Products, Aquatic Animal Health and Genetically Modified Organisms (EU Exit) (Amendment) Regulations 2022.

Consultation

The consultation ran for three weeks from the 2nd November – 23rd November 2022. There were ten responses, the majority of which were supportive of the changes.

For allowing alcohol to be labelled to one decimal place, there was strong support from a producer of No/Low wines, stating that it would increase clarity and transparency to consumers. There is strong support for this by businesses, stating that it will allow flexibility whilst retaining the option to label at 0.5%.

For the labelling of multiple grape varieties, there was support to move to 95% accuracy of grapes on the label, as this will allow more flexibility on labelling for producers and not have an impact on consumers.

For alcohol labelling of ABV/Vol, there were no comments that raised serious concerns with the changes. Most respondents noted that the changes would allow for extra flexibility.

The Wine and Spirits Trade Association (WSTA) is content and supportive of all changes, noting they welcome the increased flexibility, reducing the need for additional labels that are costly to industry.

There were two respondents who were concerned that only labelling of 95% of the content grape varieties would deviate from the International Organisation of Vine and Wine (OIV) standards, which requires 100% of the grapes to be accounted for. The UK is a member; however, it is not obligatory for the us to accept all OIV standards into law, these are only recommendations and members often deviate.

Impact Assessments

Impact assessments have not been carried out because the instrument is not expected to have an impact on business, charities or voluntary bodies, or the public sector.

The changes being introduced here are flexibilities designed to make retained rules that apply in Scotland compatible with those of New Zealand. Businesses will still have the option to label their products as they currently do.

No equality impact assessment has been undertaken as this instrument does not affect people with protected characteristics.

Financial Effects

The Cabinet Secretary for Rural Affairs and Islands confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Agriculture and Rural Economy

January 2023