
STATUTORY INSTRUMENTS

2021 No. 632

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

PART 2

Amendment of subordinate legislation

Amendment of the Food Information Regulations 2014

2. In the Food Information Regulations 2014(1), after regulation 15 insert—

“Transitional provisions: withdrawal from the EU

16.—(1) An authorised officer of a food authority must not serve on a person an improvement notice relating to a failure to comply with Article 9(1)(h) of FIC if—

- (a) the improvement notice would relate to a product that was placed on the market before the last day of the period of 21 months beginning with the day on which IP completion day falls; and
- (b) the matter would not have constituted a failure to comply with that provision of FIC(2) as it had effect in EU law immediately before IP completion day.

(2) An authorised officer of a food authority must not serve on a person an improvement notice relating to a failure to comply with Article 7(1) or Article 36(2)(a) or (b) of FIC if—

- (a) the improvement notice would relate to a specified product that was placed on the market before IP completion day; and
- (b) the labelling of the specified product would not have constituted a failure to comply with those provisions of FIC as they had effect in EU law immediately before IP completion day.

(3) Products to which paragraph (1) or (2) applies may continue to be marketed until stocks are exhausted.

(4) An authorised officer of a food authority must not serve on a person an improvement notice relating to a failure to comply with Article 7(1) or Article 36(2)(a) or (b) of FIC if—

- (a) the improvement notice would relate to a specified product placed on the market within the period beginning with IP completion day and ending with the end of the relevant period; and
- (b) the labelling of the specified product would not have constituted a failure to comply with those provisions of FIC as they had effect in EU law immediately before IP completion day.

(1) [S.I. 2014/1855](#), to which there are amendments not relevant to these Regulations.

(2) [Regulation \(EU\) No 1169/2011](#) (OJ L 304 22.11.2011, p. 18).

(5) Wine products to which paragraph (4) applies may continue to be marketed until stocks are exhausted.

(6) Other products to which paragraph (4) applies may continue to be marketed until the end of the relevant period.

(7) In this regulation—

“improvement notice” means an improvement notice pursuant to regulation 12(1);

“relevant period” means the period of three years beginning with the day after the day on which IP completion day falls;

“specified product” means an individually identifiable product, including a wine product, bearing an indication listed in point 5, 6 or 7 of Annex 10 to Commission Implementing Regulation (EU) No 668/2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs⁽³⁾ as that Regulation had effect in EU law immediately before IP completion day;

“wine product” means a product to which Part 2 of Annex 7 to Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products⁽⁴⁾ as that Regulation had effect in EU law immediately before IP completion day applies.”.

Amendment of the Country of Origin of Certain Meats (England) Regulations 2015

3. In the Country of Origin of Certain Meats (England) Regulations 2015⁽⁵⁾, after regulation 7 insert—

“Transitional provisions: withdrawal from the EU

8.—(1) An authorised officer of a food authority must not serve on a person an improvement notice relating to a failure to comply with the second subparagraph of Article 5(1), Article 6 or Article 7 of the Commission Regulation if—

- (a) the improvement notice would relate to a product that was placed on the market before IP completion day; and
- (b) the matter would not have constituted a failure to comply with those provisions of the Commission Regulation⁽⁶⁾ as that Regulation had effect in EU law immediately before IP completion day.

(2) An authorised officer of a food authority must not serve on a person an improvement notice relating to a failure to comply with the second subparagraph of Article 5(1), Article 6 or Article 7 of the Commission Regulation if—

- (a) the improvement notice would relate to a product placed on the market within the period of 21 months beginning with the day on which IP completion day falls;
- (b) the product bears one of the indications provided for in the second subparagraph of Article 5(1), Article 6 or Article 7 of the Commission Regulation as those provisions had effect in EU law immediately before IP completion day; and
- (c) the use of the indication would not constitute a failure to comply with those provisions of the Commission Regulation as that Regulation had effect in EU law immediately before IP completion day.

⁽³⁾ OJ L 179, 19.6.2014, p. 36.

⁽⁴⁾ OJ L 347, 20.12.2013, p. 671.

⁽⁵⁾ S.I. 2015/518, to which there are amendments not relevant to these Regulations.

⁽⁶⁾ Commission Implementing Regulation (EU) No 1337/2013 (OJ L 335, 14.12.2013, p. 19).

(3) In this regulation, “improvement notice” means an improvement notice pursuant to regulation 6(1).”.

Amendment of the Honey (England) Regulations 2015

4.—(1) The Honey (England) Regulations 2015(7) are amended as follows.

(2) In regulation 17(1)—

- (a) omit “member State or third”;
- (b) for the words from “one of the” to the end substitute “the indication “blend of honeys from more than one country” or similar wording”.

(3) After regulation 22 insert—

“Transitional provisions: withdrawal from the EU

22A.—(1) An authorised officer of a food authority must not serve on a person an improvement notice relating to a contravention of regulation 17(1) if—

- (a) the improvement notice would relate to a product that was placed on the market before IP completion day; and
- (b) the matter would not have constituted a contravention of regulation 17(1) as that provision had effect immediately before IP completion day.

(2) An authorised officer of a food authority must not serve on a person an improvement notice relating to a contravention of regulation 17(1) if—

- (a) the improvement notice would relate to a product that was placed on the market within the period of 21 months beginning with the day on which IP completion day falls;
- (b) the product bears one of the indications provided for in regulation 17(1) as that provision had effect immediately before IP completion day;
- (c) had the product been placed on the market immediately before IP completion day, the use of the indication would not have constituted a contravention of regulation 17(1) as that provision had effect immediately before IP completion day; and
- (d) the indication is accurate in identifying the “EU”, “non-EU” or “EU and non-EU” origins, as the case may be, of the honeys in the product.

(3) In this regulation, “improvement notice” means an improvement notice pursuant to regulation 19.”.

Amendment of the Caseins and Caseinates (England) Regulations 2017

5.—(1) The Caseins and Caseinates (England) Regulations 2017(8) are amended as follows.

(2) In regulation 4—

(a) in paragraph (2)—

- (i) in sub-paragraph (d), for “EU”, in both places it occurs, substitute “United Kingdom”;
- (ii) in sub-paragraph (e), for “country which is not a member State” substitute “third country”;

(b) in paragraph (6), after paragraph (b) insert—

(7) [S.I. 2015/1348](#), to which there are amendments not relevant to these Regulations.

(8) [S.I. 2017/848](#).

“(c) “third country” means any country, other than the United Kingdom, and includes—

- (i) the Bailiwick of Guernsey;
- (ii) the Bailiwick of Jersey;
- (iii) the Isle of Man.”.

(3) After regulation 9 insert—

“Transitional provision: withdrawal from the EU

10.—(1) An authorised officer of a food authority must not serve on a person an improvement notice relating to a failure to comply with regulation 4(2)(d) or (e) if—

- (a) the improvement notice would relate to a product that was placed on the market before the last day of the period of 21 months beginning with the day on which IP completion day falls; and
- (b) the matter would not have constituted a failure to comply with regulation 4(2)(d) or (e) (as the case may be) as those provisions had effect immediately before IP completion day.

(2) In this regulation, “improvement notice” means an improvement notice pursuant to regulation 7.”.