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| **Agri-food Policy**  Sustainable Agri-food Development Division  Food and Farming Group | | | | A4 DAERA Logo process.png |
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14 August 2023

Dear Stakeholder,

**DRAFT SPIRIT DRINKS REGULATIONS (NORTHERN IRELAND) 2023**

I am writing to provide you with an update following the recent engagement on the draft Spirit Drinks Regulations (Northern Ireland) 2023.

The Spirit Drinks Regulations (Northern Ireland) 2023 (the draft Regulations), are required to provide enforcement powers for updated EU rules on spirit drinks, which are directly applicable in Northern Ireland. The draft Regulations replace the UK-wide [Spirit Drinks Regulations 2008](https://www.legislation.gov.uk/uksi/2008/3206/contents/made#:~:text=The%20Spirit%20Drinks%20Regulations%202008%201%20Title%20and,information%2010%20Powers%20of%20entry%20More%20items...%20) as they apply here. As the legislation relates to food, the Department has carried out engagement as required by [Article 9 of Regulation (EC) No. 178/2002](https://www.legislation.gov.uk/eur/2002/178/contents), laying down the general principles and requirements of food law.

**Background**

Between 2008 and 2019, spirit drinks were regulated in the EU by [Regulation (EC) 110/2008](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02008R0110-20190608&qid=1621344205496)[[1]](#footnote-1), which was directly applicable in member states and enforced across the UK by the Spirit Drinks Regulations 2008 (the 2008 Regulations).

EC 110/2008 was replaced by [Regulation (EU) 2019/787](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019R0787)[[2]](#footnote-2). The provisions in EU 2019/787 that relate to Geographical Indications (GIs) have been applicable in the UK since 8 June 2019. The domestic enforcement legislation was updated on a UK-wide basis by the [Spirit Drinks and Scotch Whisky (Amendment) Regulations 2019](https://www.legislation.gov.uk/uksi/2019/1289/made#:~:text=These%20Regulations%20may%20be%20cited%20as%20the%20Spirit,Regulations%202008%20%28%204%29%20are%20amended%20as%20follows.), which updated the GI provisions to refer to EU 2019/787.

The non-GI rules on spirit drinks have also been updated by EU 2019/787. These include updated rules on their description, presentation, and labelling. These provisions came into force on 25 May 2021.

Guidance on the requirements of EU 2019/787 is available online at:

* <https://www.gov.uk/government/publications/spirit-drinks-verification-scheme-technical-guidance>;
* [Labelling spirit drinks - GOV.UK (www.gov.uk)](https://www.gov.uk/guidance/labelling-spirit-drinks); and
* <https://www.fsai.ie/content.aspx?id=1106&terms=drinks+and+beverages>.

EU spirit drinks rules continue to apply directly in Northern Ireland. It is therefore necessary to update domestic legislation to reflect changes to EU rules. The proposed draft Regulations will revoke and replace the non-GI provisions in the 2008 Regulations[[3]](#footnote-3) in Northern Ireland and, in doing so, update them to provide for enforcement of EU 2019/787. The draft Regulations are attached at Annex A.

The proposed draft Regulations seek to replicate the 2008 Regulations as far as possible by simply updating references to the legislation. The draft Regulations do not represent a change in the underlying policy. No changes are being proposed to the method of enforcement for the updated regulations and, therefore, enforcement would continue to be carried out by District Councils (as under the 2008 Regulations). Otherwise, the key change made by the draft Regulations would replace Schedules 2 and 3 of the 2008 Regulations, which listed the provisions of EC 110/2008 (contravention of which was an offence) with schedules which list the provisions of the current EU rules, Regulation EU 2019/787.

**Equality, Rural Needs, and Regulatory Impact Assessments**

The draft Regulations have been considered for their impacts on equality and human rights and have been screened out of the need for a full Equality Impact Assessment on the basis that they do not have any equality or human rights implications. A Rural Needs Impact Assessment has also been carried out, which has concluded that there is no differential impact upon citizens in rural areas. The Department received no comments regarding these conclusions. In addition, as the draft Regulations represent no change to the underlying policy, the Department has not considered a Regulatory Impact Assessment necessary.

**Consultation outcome**

The Department would like to thank stakeholders for their consideration of the draft Regulations. The Department received two responses to the stakeholder letter, both of which noted the changes proposed in the draft Regulations but did not have any further comment. As stated previously, engagement on the draft Regulations was preparatory, in advance of an incoming DAERA Minister and Northern Ireland Assembly. Under the powers in the European Union (Withdrawal) Act 2018, the new legislation must be made using the draft affirmative procedure and cannot, therefore, be made without a DAERA Minister nor a sitting NI Assembly. However, the Department will seek to progress with laying the draft Regulations in due course, following the appointment of a DAERA Minister and NI Executive.

This letter, and associated documents, are available on the Department’s website at:

<https://www.daera-ni.gov.uk/consultations/draft-spirit-drinks-regulations-2023-consultation>

Yours sincerely,



**Kristopher Todd**

**Agri-food policy**

**Sustainable Agri-food Development Division**

**Attachments:**

Annex A - Draft Spirit Drinks Regulations (Northern Ireland) 2023

Annex B - Key changes brought in by EU 2019/787, to be enforced by the draft SR

1. [Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks.](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02008R0110-20190608&qid=1621344205496) [↑](#footnote-ref-1)
2. [Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages.](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019R0787) [↑](#footnote-ref-2)
3. The GI provisions of EU 2019/787 remain enforced in Northern Ireland by the 2008 Regulations, as intellectual property is a reserved matter and is therefore outside the legislative competence of the Northern Ireland Assembly. [↑](#footnote-ref-3)