

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fifth Delegated Legislation Committee

DRAFT FOOD AND DRINK (MISCELLANEOUS
AMENDMENTS RELATING TO FOOD AND WINE
COMPOSITION, INFORMATION AND LABELLING)
REGULATIONS 2021

Wednesday 28 April 2021

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The Committee consisted of the following Members:

Chair: CAROLINE NOKES

Barker, Paula (<i>Liverpool, Wavertree</i>) (Lab)	† Morden, Jessica (<i>Newport East</i>) (Lab)
Caulfield, Maria (<i>Lewes</i>) (Con)	† Morris, James (<i>Lord Commissioner of Her Majesty's Treasury</i>)
Davies, David T. C. (<i>Parliamentary Under-Secretary of State for Wales</i>)	† Prentis, Victoria (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>)
Duffield, Rosie (<i>Canterbury</i>) (Lab)	† Rutley, David (<i>Lord Commissioner of Her Majesty's Treasury</i>)
Duguid, David (<i>Parliamentary Under-Secretary of State for Scotland</i>)	Thomson, Richard (<i>Gordon</i>) (SNP)
Eagle, Maria (<i>Garston and Halewood</i>) (Lab)	Throup, Maggie (<i>Lord Commissioner of Her Majesty's Treasury</i>)
Harris, Rebecca (<i>Lord Commissioner of Her Majesty's Treasury</i>)	† Zeichner, Daniel (<i>Cambridge</i>) (Lab)
Jones, Fay (<i>Brecon and Radnorshire</i>) (Con)	Seb Newman, George Wilson, <i>Committee Clerks</i>
McDonagh, Siobhain (<i>Mitcham and Morden</i>) (Lab)	† attended the Committee
Mann, Scott (<i>Lord Commissioner of Her Majesty's Treasury</i>)	

Fifth Delegated Legislation Committee

Wednesday 28 April 2021

[CAROLINE NOKES *in the Chair*]

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

9.25 am

The Chair: I remind Members to observe social distancing—you are all sitting in the correct places, so that is fine. Please wear a mask when not speaking, unless you are medically exempt. *Hansard* colleagues would be most grateful if Members sent their speaking notes to hansardnotes@parliament.uk.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Victoria Prentis): I beg to move,

That the Committee has considered the draft Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021.

It is a great pleasure to serve under your chairmanship again, Ms Nokes. This statutory instrument addresses inconsistencies in our food labelling that arise from our departure from the European Union. It deals with a number of EU exit-related issues, particularly on technical standards, that we were unable to address before the end of the transition period. It amends certain retained direct EU legislation and pieces of domestic food legislation in England, including the labelling of general food, non-beef meats, primary ingredients, and GI—geographical indication—products for wine and agrifoods. It also amends analysis methods and some practices for the production of wine, and rules on their labelling and marketing. Transitional provisions have been included in the SI to allow businesses time to adjust to the required changes.

The aim of the SI is to ensure that our food rules remain broadly the same as they were before, and that the rules and regulation continue to operate well. For example, where a label was required to include an EU address of the business responsible for the information, this will now be a UK or Crown dependency address. This is needed to ensure that consumers and trading standards officers can contact those responsible if necessary.

In addition, where a specific country of origin is not provided for certain meats, terms such as “non-EU” will be replaced by UK-appropriate terms on the Great Britain market. UK caseins sold in business-to-business transactions will now have to be labelled with the address of the responsible business operator in the UK. For honey blends comprised of honey from several different countries, the term

“a blend of honeys from more than one country”,

or similar wording, can now be used, although of course a specific country can be named if that is what the producer prefers.

The wine rules reflect the GB context. For example, they will ensure that our rules relate only to products that could be produced here, so not retsina, which can be produced only in Greece. The SI provides for a period of adjustment on geographical indications on labels. That means that for a period of three years, or until wine products are sold, enforcement bodies will not take action if a product is labelled for sale as a wine or agrifood GI but is not in fact protected on our registers. This applies so long as that product name was protected in the UK before the end of the transition period. We are not expecting to use this provision much, as it will apply to only a very small number of GIs, which are included in trade deals that have not yet transitioned to being protected in the UK—so they would have to be GIs from non-EU countries.

The SI provides for adjustment periods to give businesses time to adapt to the new labelling rules. Businesses will have until 1 October 2022 to comply with food labelling changes on the English market, and wine products will also be able to be marketed, with either an EU or a UK importer detail, until that date.

There has been a great deal of business engagement on the changes that we seek to make today, including public consultation on how the retained legislation should be adjusted to fit the UK context. Views were sought in the “Food labelling: amending laws” consultation in 2018. Honey and caseins labelling options were considered in a separate public consultation in 2018. There has been regular consultation with the UK’s wine and spirits industry, and of course with the Food Standards Agency and Food Standards Scotland. Businesses repeatedly asked for a period of adjustment, and that is what this SI will give them, if approved.

I am pleased to say that the devolved Administrations have been informed throughout the making of this SI and they are content. I commend the SI to the Committee.

9.30 am

Daniel Zeichner (Cambridge) (Lab): It is a pleasure to serve with you in the Chair, Ms Nokes. I apologise for my near-lateness and the anxiety that it might have induced in colleagues—we do need the lifts in this place to work.

It seems no time since we were discussing our last SI, some 16 hours ago. I enjoyed the Minister’s introductory comments, which were elegantly presented, as always, on the technical issues that could not be resolved before the end of last year because they ran out of time. Of course, we are seeing the consequences now.

This SI is largely about labelling, or “minor ‘real world’ effects” as the explanatory memorandum imaginatively explains. We are not convinced that the effects are quite as minor as all that. Of course, there have been two attempts at this SI. The sifting Committee felt that the subject was sufficiently sensitive to be upgraded to the affirmative procedure so that it could be discussed, so we are grateful to it. The Lords Secondary Legislation Scrutiny Committee, as eagle-eyed as ever, noted that meat, excluding beef, will be labelled as “non-UK” rather than “non-EU”—that does not preclude

a specific country, as the Minister said. When we think about it, that actually reduces the information available to consumers.

The Lords Secondary Legislation Scrutiny Committee stated:

“We note that, as consumers will no longer be able to tell whether meat (excluding beef) is from the EU or not after the adjustment period, this may have the potential of reducing key information that is available at present about the origin of a product and therefore about the associated food standards.”

That might be an unintended consequence of this change, but I think it is worth exploring. I would say—as ever, I will put it more crudely than their lordships—that many people might like to know that the origin is the high-standard EU, rather than, to pick a random example, chlorine-washed America. I know the Minister is particularly keen that we keep repeating that familiar example. Why should consumers not have that additional piece of information? It is not as if the EU has ceased to exist, much as some Members on the Government Benches might wish that to be the case. The EU is still an important partner and we will still be able to purchase its produce in our shops, so it would be good to know.

There is one part of the UK that will still be applying those very same EU rules. As the Lords Secondary Legislation Scrutiny Committee pointed out:

“We also note that after the adjustment period, different requirements will apply in GB and Northern Ireland (NI) where EU requirements will continue to apply as a result of the NI Protocol. Defra told us that “further steps will be taken to continue unfettered access for NI food products to the GB market”.”

I therefore have two questions for the Minister. First, why not allow consumers to know that the produce is from the EU? Secondly, what are those further steps to continue unfettered access for Northern Ireland food products to the GB market?

Similarly, the changes to wine labelling also seem to wish away the European Union. As the Minister knows—I pointed this out a couple of weeks ago—the Wine and Spirit Trade Association, despite the happy consultations referred to in the explanatory memorandum, is not particularly happy. The explanatory memorandum, in paragraph 10.7, suggests that there has been “regular contact”, so perhaps she could tell us how often and when. Given that the various consultations mentioned in paragraph 10 took place back in 2018-19, perhaps it was a while ago. The key point of difference here might be that there was contact at official level but possibly not at ministerial level.

I would be very happy to convene a meeting with the Wine and Spirit Trade Association and the Minister, perhaps even with that bottle of wine I mentioned the other week, wrapped in red, white and blue tape. I am sure that she will have read the excellent briefing that the association has provided for us today, which argues that under these changes it will no longer be possible to use one label for both EU and UK markets. As the briefing explains at some length, that will increase costs and complexity, which I would have thought is undeniable. Sadly, of course, that has been the experience over much of this post-Brexit period.

The Opposition strongly urge the Minister to work with the industry to see whether a solution can be found before the labelling grace period ends in September 2022, which I am sure we all agree would be to everyone’s

mutual benefit. I would welcome the Minister’s comments on that, as well as perhaps a commitment to join Labour in promising the early end of the VI-1 form, which I have not mentioned since the SI before last.

Finally, let me say a little about honey and provenance issues, because these make headlines quite frequently, with consumers rightly concerned about what they are actually buying—I looked at a jar of honey in my cupboard this morning, and it was not entirely clear to me. I am grateful to the Food Standards Agency for briefing me on these complex issues. I think that a similar point to that made by the Lords on meat may also apply to honey of EU designation, because the distinction between the EU and rest of the world is important.

I am told that it is really quite difficult to test for added sugars in honey, which is one of the difficulties with the cheaper honeys available. At the moment, the test is done best by German laboratories that use a database made up of references that are predominantly European and have been built up over time. It is an historical accident that it has built up that knowledge, and in the past we had access to that, but now we are having to do it differently. The Food Standards Agency is working with retailers and trading standards officers to get the supply chain assurances that we would like, and I am told that good progress is being made. For consumers, however, being able to distinguish between the EU and the rest of the world seems to me to be of some value. Perhaps the Minister can comment on that. Again, why not allow consumers to know and allow them to make that informed choice?

In conclusion, we do not oppose these changes, but we suggest that the ‘real world’ effects may not be quite as minor as suggested.

9.36 am

Victoria Prentis: I thank the hon. Gentleman for that large number of questions, which I will try to answer. This was certainly not a case of running out of time at the end of last year. Different rules applied when we were subject to the transition period for leaving the EU, and it was deemed sensible to wait until after the end of the period to make these changes, and we have acted with all due alacrity since that date. It is true that we are dealing with a large number of SIs at the moment. Food labelling is important, and it is right that we get it right and ensure that the system works well.

On the general point, as I repeat several times a day, the Government are committed to maintaining high food standards, and this legislation certainly does not change that. Consumers need food information that is relevant for their domestic market. In order for our home consumers to remain informed, now that we are no longer part of the EU, it is required that they are informed that although information on the exact origin of the food may not be available, it is not from the UK. UK consumers would not be appropriately informed if the origin of the food in our market was indicated as being not from another geographical area.

Regarding the potential impact of hormone-treated or chlorine-washed meats in GB, the use of “non-EU” rather than “non-UK” would in no way better inform our customers of the food’s origin.

[Victoria Prentis]

On EU food information legislation, annex 2 of the Northern Ireland protocol makes it clear that all pre-packaged food placed on the Northern Ireland market should meet EU rules, but any wine produced in Northern Ireland could bear that provenance. I am sorry if I did not make that clear to start with.

On wine specifically, we maintained a constant dialogue and engagement with the key wine production, trade and enforcement organisations in the time leading up to the end of the transition period. I understand that the Wine and Spirit Trade Association has written to me to request a meeting, and officials are currently setting that up. Officials have been in regular contact with the Wine and Spirit Trade Association and with WineGB.

The wine sector prepared well for Brexit, with the result that the trade has continued largely unaffected by the new arrangements. However, in the first few months

of this year the wine sector, like some other food sectors, did encounter some ad hoc problems with entering certain EU states, as we have discussed before. We have worked with the companies involved and are doing what we can to ensure that does not happen with future shipments. As I said when we discussed the SI before last, we will meet the WSTA to discuss VI-1 forms, as the matter is under review at the moment.

In order to ensure the continued operability of our food labelling rules, and to reflect that the UK is no longer a member of the EU, it is important that we amend certain retained and domestic food legislation, and provide sensible transitional arrangements to allow businesses time to adjust. For those reasons, I commend the instrument to the Committee.

Question put and agreed to.

9.40 am

Committee rose.

