



The Scottish Parliament
Pàrlamaid na h-Alba

Published 20 December 2023
SP Paper 500
10th Report, 2023 (Session 6)

Rural Affairs and Islands Committee

Subordinate legislation considered by the Rural Affairs and Islands Committee on 13 December 2023



Published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish Parliament website at:
<http://www.parliament.scot/abouttheparliament/91279.aspx>

For information on the Scottish Parliament contact Public Information on:
Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot

Contents

Executive Summary	1
The Wine (Miscellaneous Amendment) (Scotland) Regulations 2024	2
Ice wine	2
New approved oenological practices	3
Consultation	3
Delegated Powers and Law Reform Committee consideration	4
Rural Affairs and Islands Committee consideration	5

Rural Affairs and Islands Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands, with the exception of matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland, and Royal Botanic Garden.



rural.committee@parliament.scot

Committee Membership



Convener
Finlay Carson
Scottish Conservative
and Unionist Party



Deputy Convener
Beatrice Wishart
Scottish Liberal
Democrats



Karen Adam
Scottish National Party



Alasdair Allan
Scottish National Party



Ariane Burgess
Scottish Green Party



Jim Fairlie
Scottish National Party



Rhoda Grant
Scottish Labour



Rachael Hamilton
Scottish Conservative
and Unionist Party



Kate Forbes
Scottish National Party

Executive Summary

1. This report details the Rural Affairs and Islands Committee's consideration of the [Wine \(Miscellaneous Amendment\) \(Scotland\) Regulations 2024](#). The Committee agreed to recommend to the Parliament that it approves the instrument.

The Wine (Miscellaneous Amendment) (Scotland) Regulations 2024

2. The Wine (Miscellaneous Amendment) (Scotland) Regulations 2024 were laid before the Scottish Parliament on 20 November 2023 and are subject to the affirmative procedure. The draft instrument was referred to the Rural Affairs and Islands Committee for consideration.
3. The purpose of the instrument is to amend retained EU law (REUL) relating to the marketing and production of wine and other wine products. The amendments to REUL would—
 - introduce rules that will regulate how products marketed as “ice wine” must be produced and which will include a definition of ice wine; and
 - update the lists of approved oenological practices that can be used to produce and conserve wine and other wine products marketed in Scotland.

Ice wine

4. The instrument will amend retained Commission Delegated Regulation (EU) 2019/33 to prohibit the marketing in Scotland of a product using the term “ice wine” (or similar terms) unless the product is made exclusively from grapes naturally frozen on the vine.
5. The policy note explains that ice wine is produced in certain colder regions of the world – e.g. Canada and Germany – where grapes are allowed to freeze naturally on the vine. It is a niche product that is only produced in very small quantities.
6. These provisions are required because the UK is acceding to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). While ice wine is not produced in the UK, a definition for it is required under the terms of the agreement to ensure consumers can identify products that are made according to specified criteria that apply to its production. The policy note states that—
 - ” UK producer interest in this area has been limited to production of wine from artificially frozen grapes. While the outcome of freezing grapes is the same, in that the sugars etc. do not freeze but water does, allowing the extraction of a more sugar concentrated must, it is the natural freezing of the grapes on the vine and their pressing while frozen, and the risks entailed in embarking on this practice (crops are often completely lost) that has given rise to the associated value attached to ice wine.
7. The policy note states that corresponding provisions are being made for the rest of GB.

New approved oenological practices

8. In 2021, the UK joined the International Organisation of Vine and Wine (OIV). Recommendations made by the OIV form the basis of domestic, EU and many third countries' wine production rules. Compliance with this forms the basis of the quality standards required of wine imported into the UK.
9. The instrument will amend Regulation (EC) 2019/934 to update the lists in the annexes of approved oenological processes, practices and restrictions that can be used to produce wine and other wine products marketed in Scotland.
10. The policy note states that the changes reflect updates to the OIV's list of approved methods and this "will ensure that our wine producers and importers have access to the latest technological developments and winemaking practices, in line with EU law".
11. Similar to the provision relating to ice wine, the policy note states that corresponding provisions are being made for the rest of GB.
12. According to the policy note, the instrument is relevant to the Scottish Government's policy to maintain alignment with the EU, as the amendments relating to oenological practices reflect updates to the OIV's approved practices, which the EU also follows or intends to follow in the future. The policy note states that, "by aligning wine production and conservation practices with those of the OIV and EU, this instrument will maintain and advance the high standards Scotland shares with the EU and access for wine products to EU markets".

Consultation

13. The UK Government ran a consultation between 24 May and 16 October 2023 inviting major stakeholders in the wine Industry such as Wine GB and the Wine and Spirit Trade Association(WSTA) to comment. With regards to the marketing of ice wine, respondents were broadly supportive of the reforms, noting the associated trade benefits. Concerns were raised about potential negative impacts on wines made from artificially frozen grapes. However, as none of these wines currently on the market are labelled as "ice wine" or an equivalent term, both the Scottish and UK Governments do not anticipate any adverse effects on this sector due to the proposed change.
14. The Scottish Government carried out its own consultation exercise between 31 August to 8 October 2023, receiving five responses. According to the policy note, these responses were from members of the public who advised that the proposals would have either a positive impact or no impact.
15. On 5 September 2023, the instrument was notified to the World Trade Organisation under the Technical Barriers to Trade Agreement, to which the UK is a party to due to membership of the WTO. No comments were received.

Delegated Powers and Law Reform Committee consideration

16. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on [28 November 2023](#) and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

Rural Affairs and Islands Committee consideration

17. At its meeting on 13 December 2023, the Rural Affairs and Islands Committee took evidence on the instrument from the Cabinet Secretary for Rural Affairs, Land Reform and Islands and Scottish Government officials.
18. The Cabinet Secretary made some opening remarks, setting out the purpose and objective of the instrument.
19. The Committee asked for further information regarding the oenological practices and restrictions being introduced by the instrument. Scottish Government officials explained that the changes were technical in nature and were concerned with improving standards and regulation. The Cabinet Secretary also stated that—
 - ” The changes that are being proposed to oenological practices have been broadly welcomed, and there has been a positive reaction to them. They have already been implemented in the EU, where they have been seen as benefiting exporters and bottlers and encouraging innovation.
20. The Committee also asked about the Scottish Government’s consultation exercise and whether changes to the definition of ice wine might impact Scottish producers. The Cabinet Secretary explained that, while changes to the definition would affect producers who artificially freeze grapes, Scottish producers wouldn’t be affected as they don’t use these production methods.
21. Following the evidence session, the Minister moved motion [S6M-11343](#) —
That the Rural Affairs and Islands Committee recommends that the Wine (Miscellaneous Amendment) (Scotland) Regulations 2024 [draft] be approved.
22. The motion was agreed to without division.

The Rural Affairs and Islands Committee recommends that the Wine (Miscellaneous Amendment) (Scotland) Regulations 2024 [draft] be approved.

