

# **Wine legislation: proposed amendments**

**August 2023**

# Consultation to Amend Retained EU Law to Introduce Rules That Will Govern How Products Marketed As “Ice Wine” Must Be Produced And Make Changes to Permitted Oenological Methods

## Introduction

1. This is a consultation on proposals regarding a definition for ice wine and changes to permitted oenological methods.
2. The first proposal is to amend retained EU law (REUL) relating to the marketing of wine to introduce rules that will regulate how products marketed as “ice wine” must be produced, which will include a definition of ice wine.
3. The second proposal is to amend REUL to update the lists of approved oenological processes, practices and restrictions that can be used to produce wine in GB.

## Ice wine production

4. Ice wine is produced in certain colder regions of the world e.g. Canada, Germany etc. where grapes are allowed to freeze naturally on the vine. It is a niche product that is only produced in very small quantities. There is no ice wine production in Scotland or the UK.
5. 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.
6. In line with UK Government proposals for England and Wales, the Scottish Government is proposing to amend REUL to introduce rules that will govern how products marketed as ‘ice wine’ must be produced. The proposed new regulations will mean products could only be marketed as ‘ice wine’ if they have been produced from grapes harvested when frozen on the vine. Such a definition will ensure consumers can identify ice wine products that are made according to specified criteria that apply to its production.
7. The proposals will enable us to comply with international obligations, including the future accession of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) agreement.
8. We propose the following specification for ice wine: ‘Wine may be labelled as icewine, ice wine, ice-wine, or a similar variation of these terms, only if such wine is made exclusively from grapes harvested while naturally frozen on the vine.’

## New approved oenological practices

9. REUL sets out details of the oenological practices, processes and restrictions that can be used to produce wine in GB. In 2021, GB joined the International Organisation of Vine and Wine (OIV). Its recommendations form the basis of domestic, EU and many third countries' wine production rules. Compliance with this in turn forms the basis of the quality standards required of wine imported into Great Britain.

10. The OIV adds or removes practices from its recommendations following a 7-step scientific scrutiny process into which GB, EU and other world experts feed. In order to be adopted, the resolution must be approved on a consensual basis; any objection results in the practice falling back to a previous stage for further consideration or development.

11. The proposed oenological changes are to amend Regulation (EU) 2019/934 to update the lists in the Annexes of approved oenological processes, practices and restrictions that can be used to produce wine in GB. This is to reflect updates to the OIV's list of approved methods. This will ensure that our wine producers have access to the latest technological developments and winemaking practices. UK Government are intending to make the same changes for England and Wales.

## Rationale for legislating

### Ice wine

12. Since the UK is not involved in ice wine production, domestic interests lie with imports and ensuring products placed on the UK market, and claiming to be ice wine, meet the exacting production requirements for ice wines.

13. REUL does not provide a definition for ice wine and as such Ministers are not able to regulate its use on wine, meaning any product using frozen grapes could argue that it is ice wine even if those grapes have been picked and subsequently frozen.

14. To support consumer understanding and to allow the UK to ratify the CPTPP agreement, we need to be able to enforce a definition for ice wine that requires it to be produced from grapes that are frozen naturally on the vine.

## New approved oenological practices

15. Compliance with the OIV forms the basis of the quality standards required of wine imported into Great Britain. In order to ensure that standards in Scotland are maintained, it is important for us to update the list of approved oenological practices set out in Regulation (EU) 2019/934. This will ensure that our wine producers have access to the latest technological developments and winemaking practices. This will also protect the standard of product available to consumers.

16. This legislation will ensure a consistency of approach with the EU and across the UK.

## Proposed legislation

17. To legislate on both ice wine and changes to oenological practices, we propose to make regulations amending retained Regulations (EU) 2019/33 and 2019/934 and to bring those into force in July 2024.

## Consultation questions

18. A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

You are invited to advise:

- a) will the proposed changes on ice wine have a positive or negative impact on your business:
- b) will the proposed changes on oenological practices have a positive or negative impact on your business:

19. Please explain your response and let us know if you have any further comments.

20. Responding to this Consultation

We are inviting responses to this consultation by 11 October 2023.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at . You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 11 October 2023.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to:

Kevin Matheson

Scottish Government

Food and Drink Division

Saughton House

Broomhouse Drive

Edinburgh

EH11 3XD

## Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be

handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

### **Next steps in the process**

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

### **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at [kevin.matheson@gov.scot](mailto:kevin.matheson@gov.scot).

### **Scottish Government consultation process**

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals

- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



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The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-83521-298-1 (web only)

Published by The Scottish Government, August 2023

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS1347642 (08/23)

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