

SL(6)432 – The Wine (Amendment) (Wales) Regulations 2024

Background and Purpose

These Regulations make amendments to assimilated direct legislation relating to the marketing of wine and oenological practices used to produce and conserve wine and other wine products. "Oenological" means 'of wine and wine making'. These Regulations apply in Wales.

These Regulations amend Article 53 of Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation (EUR 2019/33) ("Regulation (EU) 2019/33"). The amendment inserts a provision in Regulation (EU) 2019/33 prohibiting the marketing of a product using the term "ice wine", "icewine" or "ice-wine" and similar terms (whether in English or in a different language), unless the product is wine made exclusively from grapes naturally frozen on the vine.

These Regulations also amend Commission Delegated Regulation (EU) 2019/934 of 12 March 2019 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files (EUR 2019/934) ("Regulation (EU) 2019/934").

Regulation (EU) 2019/934 authorises specified oenological practices. It supplements Article 80(1) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products (EUR 2013/1308) ("Regulation (EU) No 1308/2013"). Article 80(1) of Regulation (EU) No 1308/2013 prohibits the use of unauthorised oenological practices in the production and conservation of wine and other wine products. The amendments made by these Regulations to Regulation (EU) 2019/934 make changes to the oenological practices that may be used in the production and conservation of wine and other wine products.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of these Regulations before the Senedd. The Welsh Ministers cannot make these Regulations unless the Senedd approves the draft Regulations.



Technical Scrutiny

The following 2 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) - that its drafting appears to be defective or it fails to fulfil statutory requirements.

In the second paragraph of the preamble, the title of Regulation (EC) No 178/2002 appears to be incomplete. The words 'of 28 January 2002' are missing after 'Council'.

2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

In Part 3 of the Schedule to these Regulations there is reference to 'File 3.4.23 (2023)', however, in the OIV Code of Oenological Practices the reference found in the title to file 3.4.23 is '(OENO 581A-2021)'. The Welsh Government is asked to confirm whether or not '(2023)' is correct.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

The Explanatory Memorandum explains the following:

This statutory instrument has two distinct purposes.

(1) As a result of the UK joining the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), the 4 devolved governments of the UK must introduce rules by statutory instrument to prohibit the marketing of wine as "ice wine" and using similar descriptions unless the product is wine made exclusively from grapes naturally frozen on the vine. These statutory instruments must be in force by 15 July 2024 when the UK formally joins CPTPP.

(2) It will also make changes to the oenological practices, processes and restrictions that may be used in the production and conservation of wine and other wine products. These changes are extensive. (NB "oenological" means 'of wine and wine making').

This statutory instrument applies only in relation to Wales. Defra is making a parallel instrument which applies in England. It is understood that the Scottish Government is making its own instrument to apply in Scotland.



The Explanatory Memorandum also notes the following, in relation to the carrying out of a regulatory impact assessment:

The Regulations introduce amendments which does not alter the policy (or its impact) in any significant way; the SI relates to minor technical amendments being made to retained EU legislation, to provide flexibilities to businesses. The impact to businesses is anticipated to be nil.

This is in line with the policy set out in the Welsh Ministers' code of practice for carrying out regulatory impact assessments for subordinate legislation.

As it is not explicitly stated in the Explanatory Memorandum, the Welsh Government is asked to confirm whether or not a regulatory impact assessment has been carried out.

The Welsh Government is also asked to explain how the 'extensive' changes to the oenological practices, processes and restrictions that may be used in the production and conservation of wine and other wine products are considered to be minor technical amendments.

Welsh Government response

A Welsh Government response is required to all reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

20 December 2023



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee