

BULLETIN D'INFORMATION

Siège de l'Association : 21, rue François 1er - 75008 PARIS - FRANCE

N° 3 / Janvier 1993

Editorial

L'année 1992 est achevée, le temps est au bilan et à l'avenir des travaux de l'Association internationale des juristes pour le droit de la vigne et du vin.

Tel Christophe Colomb partant à la découverte en 1492 des Amériques, notre Association, après avoir pris ses quartiers en Europe, en 1987 à Epernay, en 1988 à Alba, en 1989 à Stuttgart, a accosté en avril dernier en Californie pour une semaine.

Outre le succès certain que ce déplacement a connu parmi les adhérents européens, nous avons eu le plaisir de constater tout l'intérêt que notre Association suscite : public nombreux, juristes, économistes, hommes d'affaires, venant des quatre coins du monde, autour du thème : "Les marchés internationaux des vins : les opportunités commerciales et les défis réglementaires".

Le droit de la vigne et du vin est actuellement en pleine mutation et il est évident que la mise en place d'une Association internationale était une nécessité absolue afin, d'une part, de favoriser les connaissances des droits nationaux, d'autre part, d'harmoniser les normes juridiques des différents pays : il faut d'abord se connaître pour pouvoir se reconnaître. Ceci étant, gardons-nous de toute velléité d'uniformisation des règles car, de la même façon qu'il faut préserver l'identité des vins, il faut préserver celle des droits.

Le droit a toujours pour mission de protéger, de contrôler et de sanctionner, mais il est devenu un élément essentiel de toute activité économique. Comment imaginer les échanges de demain sans un "bon" droit, créateur d'un espace de liberté pour les différents opérateurs et en cela créateur de valeur ajoutée ; la liberté des échanges ne peut se concevoir sans règles générales claires, pré-

cises, suffisamment stables pour éviter la loi de la jungle où les meilleurs sont perdants à long terme.

De grands projets attendent les années prochaines l'Association internationale des juristes pour le droit de la vigne et du vin : une assemblée générale en 1993 lors de Vinexpo à Bordeaux, une autre en 1994, lors du deuxième symposium du droit de la vigne et du vin organisé par l'Université du vin de Suze-La-Rousse et la Faculté de droit d'Aix-Marseille, un congrès en 1995 qui se tiendra selon toute vraisemblance en Australie.

Tous ces projets seront conduits par notre nouveau président Richard Mendelson, élu à l'unanimité lors de la réunion de notre conseil d'administration le 9 avril dernier : je tiens à le féliciter et à le remercier encore au nom de tous pour la parfaite organisation du congrès dans la Napa Valley.

Je quitte en effet la présidence de l'Association le 1er janvier 1993 comme je m'y étais engagée au début de mon mandat, considérant comme nécessaire que les plus hautes fonctions d'une association internationale puissent être occupées tour à tour par des représentants des différents pays qui la composent.

Je serai heureuse si les travaux effectués sous ma présidence ont pu constituer la fondation d'un édifice solide et durable. Je ne doute pas un seul instant que mon successeur et ceux qui suivront bâtiront un droit à la gloire d'un produit qui rapproche, dans la joie et la convivialité, les hommes de tous les continents.

Bonne et heureuse année 1993 !

Marie-Hélène BIENAYMÉ

LES OTAGES ÉCONOMIQUES DANS LES NÉGOCIATIONS DU GATT

Il n'est plus nécessaire de présenter le GATT, mais il n'est pas inutile d'apporter des précisions sur le contenu de la double négociation qui se déroule en ce moment, d'une part, celle du cycle de l'Uruguay (parfois appelé "Uruguay round") et, d'autre part, la négociation USA-CEE sur les oléagineux, avec prise en otages des vins blancs européens.

Ces deux négociations dont le cadre juridique est différent interfèrent, bien entendu.

Rappelons qu'à la conférence de Punta del Este, en 1986, un cycle de négociations tarifaires et commerciales a été entrepris dont la clôture était prévue en 1990. Faute d'accord, le cycle de l'Uruguay n'en finit pas de se terminer.

Dans ce cycle de négociations, qui visait l'ensemble de l'industrie et du commerce, on a introduit l'agriculture ainsi que les services.

En ce qui concerne l'agriculture, la politique agricole commune se trouve directement concernée, notamment les prix d'orientation et les prix de référence, les restitutions à l'exportation, les prélèvements et taxes compensatoires à l'importation et plus particulièrement certains produits : céréales, oléoprotéagineux, viandes et vins à appellation d'origine pour lesquels un régime de protection est prévu dans le cadre de la propriété intellectuelle. Enfin, certaines règles de normalisation sanitaire et phytosanitaire sont visées.

Le principe gouvernant les projets est celui d'un plus grand libéralisme des échanges afin de stimuler le commerce international. Ainsi l'accord devrait faire tomber ou diminuer les barrières tarifaires ou non tarifaires.

La libéralisation des échanges des produits industriels s'inscrit dans une évolution déjà largement amorcée au cours des cycles précédents de discussion, alors que le secteur agricole, beaucoup moins flexible, est dans de nombreux pays; et en particulier dans la Communauté économique européenne, protégé par des mesures d'organisation et de soutien.

Les mesures communautaires d'organisation comportent un régime de prix décidés en commun et garantis (d'une certaine manière) par un régime d'interventions (stockage, retrait ou distillation, etc...).

Pour les vins, seuls les vins de table sont directement concernés par ces régimes.

Ces mesures économiques sont accompagnées de disciplines qualitatives et quantitatives contraignantes. Ainsi les coûts de production sont affectés de charges que ne connaissent pas nécessairement les pays tiers concurrents. Pour assurer les producteurs de conditions de concurrence supportables à l'intérieur de la Communauté, il a été nécessaire de prévoir des protections tarifaires. Pour les vins, un prix de référence est fixé et garanti par une éventuelle taxe compensatoire. Seuls se trouvent affectés par cette mesure tarifaire les vins les moins chers, de sorte que cette protection vise plus les vins de table que les vins de qualité produits dans des régions déterminées.

Napa toasts experts

Wine lawyers association holds first U.S. meeting in Napa Valley

By L. PIERCE CARSON
Register Staff Writer

RUTHERFORD - Despite declining consumption, growing health concerns and attendant government restrictions, as well as fierce competition in a relatively static market, worldwide wine production is forecast to expand.

This apparent incongruity came to the fore Friday as industry experts offered their views at the first American conference of the relatively young International Wine Lawyers Association.

Meeting in the century-old Inglenook Winery, about 125 IWLA members, guests and a smattering of media listened throughout the day to speakers talk on world issues affecting the wine industry - ranging from tighter government controls to trade talks, production strategies to import and export projections, new markets to consumer protection.

Surely, the most salient point raised during the conference's first major session focused on the worldwide oversupply of wine in an era when consumption has declined.

Yet, win growers from a number

of continents were touting plans for increased production, coupled with aggressive export programs, in an era of economic uncertainty prompted by creation of an uneasy common market in Europe and recessions at home and abroad.

Even so, people like Dick Maher, president of the Heublein Fine Wine Group, predicts a "continuing wine boom, but at a slower pace."

As this country comes out of the recession, people in the upper income brackets will become part of a "new wine movement," Maher contends.

With the industry's promotion of the "marriage of wine and food," as well as "more eating out," wine will become the "in drink," the Heublein executive told conferees over lunch Friday.

As people opt for an alcoholic beverage that is promoted for "healthful moderate consumption," wine will become the beverage of choice, he added.

Maher noted that Americans annually drink less than two gallons of wine per capita at present, compared to 23 gallons of beer and 17 gallons of soft drinks. He suggested the industry needed to develop a beverage that would appeal to those at either extreme.

"There will be another shooting star within the next five years," Maher forecast, with reference to the white zinfandel craze of the '80s. He said it might be low in alcohol, a tad sweet and have a little carbonation.

Heublein is researching such a product at present, he admitted.

Pressed to elaborate on his projection, Maher told the Register the product that might capture Americans' fancy is a light red wine that is served cold.

"Most of our beverages come out of the refrigerator," he added. "Why not wine?"

Also looking toward the end of the decade, Maher told conferees there'll be "some casualties" among a few old-timers in the industry as consolidations take place at the production and wholesale levels.

Worldwide wine production declined by 9 percent, or 326 million cases, between 1980 and 1990, said Belvedere Winery vice president Jay Behmke at the outset of a panel on the international marketplace for wine.

But consumption declined 17 percent, or 531 million cases, in the same time period, the Sonoma County winery financial officer continued.

The only conclusion one can draw from those statistics, Behmke declared, is that there's a "severe oversupply" of wine.

Of the top 12 western wine producing nations, only Germany and the United States consume more wine than their respective industries produce.

Nevertheless, both nations enjoyed substantial increases in wine exports, but take a back seat to France which is second only to Italy in the import/export market. Also experiencing growth in exports is Australia.

Annual wine production in Australia is about 400 million liters, says Bruce Drinkwater, corporate attorney for S.A. Brewing Holdings Ltd., parent of Penfolds Wine Group and producer of about 30 percent of the Australian wine market.

But consumption Down Under is only 290 million liters, Drinkwater says, and is expected to decline to 277 million liters by '94.

The average Australian consumes 113 liters of beer annually, as well as 19 liters of wine and 1.3 liters of spirits, he continued.

At the moment, the majority of Australia's wines exports go to Canada, the United States, the United Kingdom and Sweden. Australia is in 10th place in the wine export market.

Drinkwater revealed that Australia's wine exports were only 10 million liters in 1985. That figure jumped to 56 million liters last year.

"We expect to increase exports to 300 million liters by the end of the century," he added, "which requires we increase our wine production by 75 percent."

Having an impact on international wine trade as well as the current General Agreement on Tariffs and Trade (GATT) talks, negotiations throughout the world on excise taxes on wine, plus pending advertising regulations in the United States, France and the European Community's rapidly approaching common market.

The wine lawyers association was born from the realization the wine industry is growing internationally with relatively little or no legal guidance, noted IWLA president Marie-Helene Blenaymé.

"We don't want to unify the laws, only harmonize them," she added, "to open an avenue of communication between producers, regulators and professionals."

"We don't want to standardize products. But new markets are opening and there are dangers for the industry - a drop in consumption... more wine on the market and anti-alcohol lobbies attacking advertising."

"Lawyers have a role to play, to bring reason to these discussions, to make the distinction between alcoholism and proper consumption."

Napan takes top wine post

By L. PIERCE CARSON
Register Staff Writer

A free exchange of ideas in the Napa Valley last weekend on a wealth of important issues facing the international wine trade went a long way toward resolving current disputes, says the new president of the International Wine Lawyers Association.

Elected over the weekend to the prestigious post was attorney Richard Mendelson, partner in the Napa firm of Dickenson, Peatman and Fogarty, and specialist in alcohol beverage law.

Mendelson served as chairman of the IWLA conference held at Inglenook-Napa Valley, the first time the France-based wine lawyers group had convened in the United States.

The 38-year-old Napa resident feels the valley's visitors were impressed with what they saw as well as how the conference was conducted.

"Napa can be proud," he said, reflecting on the three-day event, which included winery visits and vineyard tours. "I think the delegates took with them lasting impressions of the seriousness of what we're doing and the professionalism with which we're doing it."

"The single most successful thing to result from the conference was to have the Europeans come out of the Old World into the New World and meet with the vintners, growers and U.S. attorneys."

"We had a very fresh exchange of ideas, which, I feel, will pave the way for resolving our conflicts."

"We gave professionals, regulators and professors a forum for expressing frank views, and it allowed them a chance to speak personally, not only on behalf of their governments. When people feel comfortable enough to do that, then I think we've been productive."

Members of the five-year-old association from 10 different nations attended the event, which focused on trade talks, health issues, production, impacts of the worldwide recession and the status of the complex regulatory environment.

Mendelson felt the European delegates took to heart their visits to the winegrowing appellations of Stag's Leap and Carneros.

"They were impressed by the high level of unity among the members of these appellations, considering these groups are voluntary and not mandated by government."

"They took away an understanding of the dynamism of our industry, even if we're not like them."

Conferees were also reminded that wine is "a very small part of the agricultural policies in both the U.S. and the EC. There are other more significant agricultural and non-agricultural commodities driving policy."

"And the people who were here are the people who will be writing international policy as well as policy for their respective countries."

Mendelson's three year term begins Jan. 1, 1993. His goals are increasing membership, conducting annual meetings in conjunction with other conferences such as VinExpo, holding a major conference every three years and playing a significant role in advising the 33-nation-member Office International of Vines and Wines.

"I'm pleased that this important conference took place here," he concludes. "After all, Napa Valley should be in the lead on something like this."

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ECONOMIC HOSTAGES IN THE GATT NEGOTIATIONS*

by Robert TINLOT

Director General, International Office of the Vine and Wine (OIV)

It is no longer necessary to introduce the GATT, but it is still useful to discuss in precise terms the contents of a dual negotiation which is presently underway, on the one hand, that of the Uruguay Round, and on the other, the U.S. - EEC negotiations on oilseeds, in which European white wines have been taken hostage. These two negotiations, whose legal contexts differ, are in conflict.

We should recall that at the conference of Punta del Este in 1986 a round of tariff and commercial negotiations was undertaken with a predicted completion date of 1990. Still without an accord, the Uruguay Round has not yet concluded.

In this negotiating round, which is aimed at the whole of industry and commerce, we have added agriculture as well as services. With respect to agriculture, the Common Agricultural Policy is directly impacted, notably the orientation prices and reference prices, export subsidies, compensatory deductions and import taxes and, more particularly, certain products : cereals, oilseeds, meats and wines bearing appellations of origin for which a system of intellectual property protection is envisioned. Finally, certain health and safety standards are being sought.

The principle underlying these plans is to attain the broadest possible freedom of exchange which will stimulate international commerce. Thus, the accord should strike down or diminish tariff and nontariff barriers. The liberalization of trade in industrial products is part of an evolution which commenced in large part during prior negotiating rounds, whereas the agricultural sector, being much less flexible, is in many countries and in particular the European Economic Community, protected by market organization and support measures. The organizational measures include a system of prices which are commonly decided and guaranteed (in a certain manner) by a system of interventions (stocks, withdrawal or distillation, etc.). For wines, only non appellation wines are directly affected by these rules.

These economic measures are accompanied by conflicting qualitative and quantitative disciplines. Also the production costs are affected by expenses which competing third countries do not face. To assure the producers competitive conditions which are supportable inside the Community, it has been

necessary to anticipate protective tariffs. For wines, a reference price is fixed and guaranteed by an ultimate compensatory tax. Only the cheapest wines are affected by this tariff measure, specifically, non appellation wines more so than quality wines produced in defined regions.

At the time that EEC wines are exported to certain countries, restitutions can be obtained. These payments are motivated by the necessity of rectifying the disequilibrium in production costs resulting from the application of the Common Agricultural Policy which guarantees producers a satisfactory income.

This complex system is adapted to each type of production and does not cope well with stresses outside the EEC. The system is fragile and affects very directly the livelihood of farmers.

One of the perverse impacts of these measures, although socially justified, is to generate structural surpluses, in view of the fact that producers are no longer directly affected by the dictates of the market. In the face of these structural surpluses, the Community has had to invent solutions : milk quotas, freezing of the land, and for wines, halting of plantings, incentives for grubbing up and obligatory distillation at quite low prices.

For quality wines produced in defined regions, it is in principle the law of the market which governs (no premiums for distillation, no price supports). This sector, which exports very important quantities of wine, therefore is not truly affected by the quarrel which is occurring at the GATT negotiations on agriculture. Nevertheless, the producers of white wine have been thrown into the heart of the debate, taken hostage, innocent and powerless.

This hostage taking has developed during, and is intermingled with, another negotiation at the final stage of the Uruguay Round. The American producers of soybeans, opposing the system of Community supports for oilseeds, induced the U.S. to request a GATT arbitration in December, 1989. The EEC took measures to modify this system of supports in August, 1991. These measures were deemed insufficient and they again were disapproved. The EEC was asked to assure a level of oilseed production very much lower than the existing level. This point has become a central element of the

negotiations generally.

In the face of bogged down discussions on oilseeds, the American administration decided to impose a 200 % surcharge on certain European white wines. So the producers who are complete strangers to the ruptured oilseed negotiations were taken hostage.

It is surprising that, in our day, economic hostages are still allowed to be taken. Certainly, the horrors that were experienced (and still are) during the 20th century, when thought has continually been contradicted by deeds, have accustomed us to official violence. The taking of economic hostages is an example which unfortunately does not appear to have engendered any protest, although the consequences are not only financial and economic but also social and human. The wine sector remains one of small businesses where men and women and their families are directly involved and where financial resources are limited, often at the mercy of the banker.

During a period in which economic difficulties are numerous, the perturbations which follow this threatened surcharge are felt strongly. If precautionary purchases of wine in the face of this threat have provided an artificial impulse to exports of white wines to the U.S., we must await the resulting shock when the 200 % surcharge is or is not imposed.

For my part, I asked the President of Wine Institute, John De Luca, to invite the various American wine professionals to demonstrate their solidarity with European producers. This happened immediately, with the receipt of overwhelming support from Wine Institute members and even politicians. We should rejoice in this fraternal act.

However, the question of taking economic hostages is a legal one in the sense of determining in what respect international treaties, in the context of which the multilateral negotiations are being held, and bilateral accords, stand in the way of such measures of economic retaliation. Because, let us recall, the decision authorizing the surcharge on European white wines is not even a retaliatory measure against a blameworthy measure taken by a disloyal partner, but a means of applying pressure in an ongoing negotiation which is not yet concluded.

* Translation by Richard Mendelson, who apologizes in advance for any inadvertent mistakes in this translation.

LES ACTES DU CONGRÈS 1992

International Wine Markets : Business Opportunities and Legal Challenges

The conference speakers and topics include*:

The International Marketplace for Wine.

- U.S. Perspective, John A. Fisher, Investment Banker, Hambrecht & Quist
- European Community Perspective, Ian Wilson-Smith, Chairman, Allied Vintners Limited
- Japanese Perspective, Tomio Sasaki, Executive Vice President and Treasurer, Château St. Jean
- Australian Perspective, Bruce Drinkwater, Senior Corporate Attorney, S.A. Brewing Holdings Ltd.

A Comparative Perspective on Selected Regulatory Issues.

- Lead Litigation: U.S. Legislative and Regulatory Update, James Seff, Partner, Pillsbury, Madison & Sutro, and Ronald Larson, Partner, Broad, Schulz, Larson & Wineberg
- Tied House from the Perspective of Consolidations and Acquisitions, U.S. Perspective, William Schreiber, Partner, Schreiber, Simmons, MacKnight, Crisses & Tweedy
- U.S. Problems in Advertising and Promotion, Gregory Altschuh, Regulatory Counsel, Joseph E. Seagram & Sons
- French Regulations on Advertising and Promotion, Jacques Audier, Professor of Law, Université d'Aix-Marseille

International Regulatory Update.

- BATF Initiatives, Daniel Black, Deputy Director, Bureau of Alcohol, Tobacco and Firearms
- European Community Initiatives, Alfred Reichardt, Deputy Chief, Wine, Alcohol and Allied Products Division, Commission of the European Community
- Asian Regulatory Perspective, Ronald Fondiller, International Counsel, Rémy-Cointreau Group
- European Community Labeling Issues, Nicole Coutrelis, Partner, Coutrelis & Associés
- Geographic Indications and Appellations of Origin within the Vine and Wine Sector, Robert Tinlot, Director General, Office International de la Vigne et du Vin
- U.S. Perspective on Appellations of Origin, Vincent O'Brien, Partner, Buchman & O'Brien
- Economic Aspects of the International Protection of Appellations of Origin, Alain Berger, Director, Institut National des Appellations d'Origine

International Trade Negotiations and Dispute Resolution.

- Current Status of International Agricultural Trade Negotiations, Timothy Josling, Professor, Stanford University Food Research Institute
- GATT Disputes and Dispute Resolution in the Wine Sector, Joseph Papovich, Senior Agricultural Trade Policy Advisor, Office of the U.S. Trade Representative
- U.S. - European Community Wine Accords, Robert Ivie, Director of International Market Development, E. & J. Gallo Winery
- Canada - U.S. Free Trade Agreement (CUSTA) and North America Free Trade Agreement (NAFTA): U.S. Industry Perspective, Jim Clawson, International Trade Counsel, International Business - Government Counsellors, Inc.
- Importers' Perspective of CUSTA and NAFTA, Robert Maxwell, President, National Association of Beverage Importers
- Canadian Industry Perspective of CUSTA and NAFTA, Donald Ziraldo, President, Inniskillin Winery

* All papers are in English except for those of Messrs. Audier and Berger, which are in French with an English abstract.

Les actes du congrès sont disponibles :

- Auprès du président de l'Association (Richard Mendelson, 809 Coombs Street, Napa, Californie 94559, Etats-Unis d'Amérique) au prix de 29,95 dollars l'exemplaire (plus frais de port : 7,50 dollars par exemplaire pour les Etats-Unis et 20 dollars par exemplaire pour les autres pays).

Une disquette peut également être obtenue au prix de 39,95 dollars par exemplaire.

- Auprès de l'Office international de la vigne et du vin (11, rue Roquépine, 75008 Paris, France) au prix de 200 francs par exemplaire (plus frais de port : 35 francs par exemplaire).

Lors de l'exportation des vins de la Communauté économique européenne vers certains pays, des restitutions peuvent être versées. Ces restitutions sont motivées par la nécessité de rétablir le déséquilibre dans les coûts de production résultant de l'application de la politique agricole commune qui garantit un revenu satisfaisant aux producteurs.

Cet ensemble complexe est adapté à chaque type de production et supporte mal les contraintes extérieures à la Communauté économique européenne. Il est fragile et touche très directement le niveau de vie des agriculteurs. Cependant, l'un des effets pervers de ces mesures, socialement justifiables, est de générer des excédents structurels dès lors que les producteurs ne sont plus directement soumis aux lois du marché. Devant ces excédents structurels la Communauté a dû inventer des solutions : quotas laitiers, gel des terres et, pour les vins, arrêt des plantations, incitation à l'arrachage et distillations obligatoires à des prix assez bas.

Pour les vins de qualité produits dans des régions déterminées, en principe c'est la loi du marché qui s'applique (pas de distillation avec primes, pas de régime de prix). Ce secteur, exportant des quantités très importantes, ne se sent donc pas vraiment concerné par la querelle qui s'est établie à l'occasion des négociations du GATT dans le secteur agricole. Pourtant, voilà les producteurs de vins blancs plongés au cœur du débat, pris en otages, innocents et impuissants.

Cette prise d'otages relève d'une autre négociation qui se trouve mêlée à l'ultime étape du cycle de l'Uruguay. Il se trouve en effet que les producteurs américains de soja, contestant le régime des aides communautaires aux oléagineux, ont incité les Etats-Unis d'Amérique à demander un arbitrage au GATT en décembre 1989. La Communauté économique européenne a pris des mesures pour modifier ce régime d'aides en août 1991. Ces mesures ont été jugées insuffisantes et elles ont de nouveau été désapprouvées. Il a été demandé à la Communauté économique européenne de garantir un niveau de production d'oléagineux très inférieur à son niveau actuel. Ce point est devenu un élément de la négociation plus générale.

Devant l'enlisement des discussions relatives aux oléagineux, l'administration américaine a décidé de surtaxer de 200% certains vins blancs européens.

Ainsi se trouvent pris en otages des producteurs qui sont complètement étrangers à la négociation entamée.

On est surpris que, de nos jours, on puisse encore admettre la prise d'otages économiques. Certes les horreurs que l'on a vécues au cours de ce XX^{ème} siècle (et que l'on vit encore) où les progrès de la pensée sont sans cesse contredits par les faits, nous habituent aux violences officielles. La prise d'otages économiques en est une qui malheureusement ne semble soulever aucune protestation alors que les conséquences ne sont pas seulement financières et économiques mais peuvent être sociales et humaines. Le secteur viticole est encore celui des petites entreprises dans lesquelles des hommes et femmes et leurs familles sont directement impliqués et dont les ressources financières sont limitées, souvent à la merci de leur banquier.

Dans une période où les difficultés économiques sont nombreuses, les perturbations que provoque cette menace de surtaxe sont fortement ressenties et, si les achats de précaution devant la menace ont donné un artificiel élan aux exportations de vins blancs vers les Etats-Unis d'Amérique, il faut attendre le choc en retour que la surtaxation à 200 % soit ou non appliquée.

Pour ma part, j'ai demandé au président du *Wine Institute*, John De Luca, d'inviter les milieux professionnels des vins américains à se montrer solidaires des producteurs européens. Ce qu'il fit aussitôt, ayant reçu pour cela l'appui massif des membres du *Wine Institute* et même celui de personnalités politiques. On doit se réjouir de cet acte confraternel. Cependant, la question de la prise d'otages économiques mériterait une étude juridique afin de déterminer dans quelle mesure les accords internationaux, dans le cadre desquels se déroulent les négociations multilatérales, voire bilatérales, ne s'opposent pas à de telles mesures de rétorsion économique. Car, rappelons-le, la décision permettant la surtaxation des vins blancs européens n'est même plus une mesure de rétorsion contre une mesure critiquable, adoptée par un partenaire déloyal, mais un moyen de pression dans une négociation en cours, non encore conclue.

Robert TINLOT

Directeur général de l'Office international de la vigne et du vin

Richard MENDELSON

Partner in the law firm of Dickenson, Peatman & Fogarty in Napa, California, specializing in alcohol beverage law, including state and federal licensing and compliance, distributor and broker relations, trade practices, appellations of origin and other land use and intellectual property matters, and international trade policy and regulation. **Education** : Graduate of Harvard College, Oxford University, and Stanford Law School. Worked in the french wine industry as assistant to the export director of Bouchard Aîné et Fils in Beaune prior to undertaking legal studies. **Positions** : President of the International Wine Lawyers Association and visiting professor in the vineyard and wine law degree programs of the law faculties of the universities of Aix-Marseille and Bordeaux. Hospitalier d'honneur, Hospitaliers de Pomerol. **Publications** : Published widely in the field of beverage law, including "U.S. wine law" (with John Manfreda), "California agriculture barriers to trade - Preparation for the Uruguay round" (for the California state world trade commission), "Wine trade with Canada : A case study in trade deregulation" (with MM Josling, Barton and Morse), "Denominations of origin for wine in the U.S. : definitions and distinctions," and "Stratégies internationales juridiques en vue de la réglementation de la production et de l'offre de vins."

LE BUREAU ET LE CONSEIL D'ADMINISTRATION DE L'ASSOCIATION

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