

Introduction to the third edition

The *Association Internationale des Juristes du Droit de la Vigne et du Vin* (AIDV), also known as International Wine Law Association, is a unique international association of wine law experts founded in 1985.

The AIDV has members from close to 40 countries who disseminate their sector-specific knowledge and expertise through, among other means, regular e-newsletters and, for 40 years now, international wine law conferences. The AIDV currently has regional sections in Australasia, Canada, Europe, Latin America and the United States of America, and these sections also hold regular (regional) conferences as well as webinars and other activities.

Through these means, there has been an ongoing lively exchange of ideas, information and education between private and institutional legal practitioners, academics, regulators, and industry professionals, while actively involving students, thus preparing the succeeding generations of practitioners and professionals in our area.

A multitude of leading-edge wine law topics are studied and discussed during the various annual conferences, and the presentations given are published on the members-only portion of our recently revamped website (www.aidv.org).

The AIDV has official observer status at both the OIV and WIPO and interacts regularly with national and international supervisory and regulatory authorities in the wine sector.

In this manner we believe that the AIDV, both as an organisation and through its individual members, has contributed to the modernization and globalization of wine law.

This book

In 2021, the AIDV published the first edition of this book, both in paper and electronic version, as a guide for wine law practitioners, IP lawyers, consumer law practitioners, professionals in the wine industry, scholars or others seeking information about specific regulations concerning the marketing and sale of wine. This peer-reviewed guide is written by AIDV members. Unlike many “international wine law” books which provide their value by publishing chapters recounting a wide range of experiences of the authors who practice in the wine law area, this book is intended to act as a text book and guide to practitioners and others by providing a systematic and comparative guide to wine law in 26 countries, which is an important element in the global context of wine trade. In each chapter, the authors respond to detailed and comprehensive questions about wine laws, from the protection of geographical indications laws, through labelling and advertising laws, and a host of others. This is not a book of “war stories”. Rather it is a book for practitioners, providing a detailed guide that will let them understand the legal landscape in the wine sector.

With its first edition it covered 20 wine producing/consuming countries. The present third edition now covers 26 countries, with India as a notable new entrant to the book.

A few authors have changed since the first edition, and based on reader feedback, the questionnaire to which chapter authors respond has been slightly adapted in a few places.

The first edition of the book was published in both hard form and online, but the second and all future editions are published only online. The book will be updated and extended regularly.

The goal of the book is to be the most practical, complete, and up-to-date international wine law book available.

Recent developments in European law

Whilst the third edition of this book deals with the viticultural laws of 26 countries, the European Union continues to be a key region, especially given the extent of regulations dealing with the wine sector.

From an EU standpoint, wine law has evolved significantly in the last three years.

In our introduction to the second edition we described the most important developments in the European Union legal framework at that time, in particular Regulation 2021/2117, adopted in December 2021¹, amending the basic “Wine Regulation” 1308/2013.

Since then, national legal systems of the member states have been called to adjust to the new requirements, pursuant to the general principle of sincere cooperation (Art. 4 § 3 TEU), according to which “the Member States shall take any appropriate measure, general or particular, to ensure fulfilment of the obligations arising out of the Treaties or resulting from the acts of the institutions of the Union”.

By way of example, as from 8 December 2023, Regulation (EU) 1308/2013 not only introduced the compulsory listing of ingredients and a nutrient declaration for wines, but it also provided for an important innovation, by permitting the display of the list of ingredients as well as of the nutrient declaration through electronic means.

Further developments have occurred more recently. First, the European Commission, introducing a new form of regulation of the wine sector, published two texts of “Questions & Answers”, one concerning the implementation of new EU wine label-

1 Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021 amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union (OJ L 435, 6.12.2021, p. 262–314).

ling provisions², and the second dealing with the implementation of EU rules on the de-alcoholisation of wines.³ Despite the informal nature of these “communications”, these texts go further than simply informing operators about their obligations under Regulation (EU) n° 2021/2117. On specific matters, the Commission decides on the correct interpretation (without prejudice to possible future different interpretations by the European Court of Justice (ECJ)) and even introduces new rules, not always welcomed by the wine sector. These texts therefore add to the EU legal framework applying to wines and should be taken into account when considering the relevant national rules in each Member State.

Meanwhile, the regulation on geographical indications for wine, spirit drinks and agricultural products, which we announced in our introduction to the second edition, has finally been adopted. Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024⁴ not only confirms the innovations introduced progressively by the abovementioned Regulation 2021/2117 but it also introduces new rules – of substantive as well as procedural nature. These new rules are likely to have a significant impact on the registration, the management and the protection of PDOs/PGIs for wine. Although some provisions of this regulation will enter into force in 2025, most of them have been in force since May 13, 2024, calling for a fast adaptation – when necessary – of national laws.

The following are examples of substantive changes (among others) :

- Article 26 § 1a of Regulation (EU) 2024/1143 protects PDOs/PGIs for wine against weakening, dilution and detrimental action to their reputation. The EU legislator has not given any definition of these new types of infringements against geographical indications. However, these practices are distinct from the exploitation of the reputation of the geographical indication.
- Article 26 § 2 of Regulation (EU) 2024/1143 extends the protection of geographical indications “to all domain names accessible in the Union”, whereas Article 35 § 1 provides that “(c)ountry-code top-level domain name registries established in the Union shall ensure that alternative dispute resolution procedures for domain names recognise registered geographical indications as a right that can be invoked in those procedures”

2 Commission Notice – Questions and answers on the implementation of new EU wine labelling provisions following the amendment of Regulation (EU) No 1308/2013 of the European Parliament and of the Council and Commission Delegated Regulation (EU) 2019/33, C/2023/1190, OJEU 24.11.2023.

3 Commission Notice – Questions and answers on the implementation of EU rules on the de-alcoholisation of wines, C/2024/694, OJEU 15.1.2024.

4 Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012, OJEU, L, 23.4.2024.

Finally, among the various interesting wine law cases brought before the ECJ, two should be mentioned in particular: on the one hand, the *Weingut* case⁵, which changes dramatically the conditions under which the terms designating a vitivinicultural holding (“domaine”, “château”, “castello”, “clos”, “Weingut”...) can be used. The intrusion of European Law in this field of valued national traditional expressions is likely to be a source of conflicts with well-established national rules.

On the other hand, the case of *Papouis v. European Commission*⁶ explains the sharing of powers between the EU and Member States in the complex administrative procedures of registration, amendment and cancellation of geographical indications, including PDO/PGI for wines. The decision adds to the relevant provisions of Regulation (EU) 2021/2117, which are already included in Regulation (EU) 2024/1143.

Thanks

We wish to address our sincerest thanks to all our country authors and peer reviewers, who have contributed to this book on a pro bono and disinterested basis. That's the AIDV spirit!

The Editors
Theodore Georgopoulos
Rein-Jan Prins
Stephen Stern

5 ECJ, 23.11.2023, C-354/22, ECLI:EU:C:2023:916.

6 General Court of the EU, 21.02.2024, Case T-361/21, ECLI:EU:T:2024:99.