



MINISTRY OF FOOD, AGRICULTURE AND FISHERIES

<p>General Directorate for Agricultural, Agrifood and Regional Policies</p> <p>Department of Agricultural Production</p> <p>Subdirectorate for Products and Markets</p> <p>Bureau of Wine and Other Beverages Address: 3, Rue Barbet de Jouy 75349 Paris 07</p> <p>Contact for this matter: Séverine Jego Tel. 01 49 55 41 10</p> <p>NOR : AGRT1014391C</p>	<p>CIRCULAR</p> <p>DGPAAT/SPA/SDPM/BVAB</p> <p>Date: 28th May 2010</p>
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From
The Minister of Food, Agriculture and
Fisheries
to
The Director General of INAO

Re: The procedure for the issuance of an INAO declaration in the name of the French authorities for Pinot Noir PGI wines for the purposes of export to the United States of America.

Reference documents:

TTB Circular 2010-5 dated 3 May 2010,

Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products,

Commission Regulation (EC) No 436/2009 of 26 May 2009 laying down detailed rules for the application of Council Regulation (EC) No 479/2008 as regards the vineyard register, compulsory declarations and the gathering of information to monitor the wine market, the documents accompanying consignments of wine products and the wine sector registers to be kept,

Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products,

The French Code of Rural and Maritime Fisheries law [*Code rural et de la pêche maritime*] and notably L.641-11, L.642-2, L. 642-5, L.642-27, L.642-28, L.642-31 and R.641-25-1,

The official decree "Oc" dated 15 October 1987,

The official decree "Aude", "Hérault", "Pyrénées Orientales", "Gard" no. 2000-848 dated 1 September 2000,

Abstract: Procedure for the INAO declaration relating to Protected Geographical Indication Pinot Noir wines from Languedoc-Roussillon for the purposes of export to the United States of America.

Keywords: PGI, United States of America; Pinot noir, INAO.

Recipients	
<u>For action:</u> Director General, INAO	<u>For information:</u> The Head of the General Directorate for Competition, Consumer Affairs and Fraud Control, The Head of the General Directorate of Customs and Indirect Taxation, The Head of the General Directorate of the Treasury and Economic Policy, The Director General of FranceAgriMer Heads of DRAAF (regional agriculture directorates)

INTRODUCTION

Following a decision taken by the competent US authorities (Alcohol and Tobacco Tax and Trade Bureau, (TTB)) of the Treasury Department of the United States of America, US importers must hold a declaration issued by the French authorities on behalf of all French exporters wishing to sell Protected Geographical Indication (PGI) wine to them specifying the use of "Pinot Noir" grapes.

This obligation placed on importers by the TTB is set out in TTB circular 2010-05 of 3 May 2010, which can be found on the Internet at the following address:

http://www.ttb.gov/industry_circulars/archives/2010/10-05-faqs.html

http://www.ttb.gov/industry_circulars/archives/2010/10-05.html

The present circular describes the procedure to be followed for the issuance of this declaration by the French authorities.

1 – APPLICATION PROCEDURE

1.1. Concerned operators

The operators concerned are those placing on the market (for export) wines covered by a Protected Geographical Indication (PGI) from the Languedoc Roussillon region (cf. list of the origin names in Annex 1) for shipment to the United States. The wine may be either bottled or in bulk.

1.2. Application form to be completed prior to initial shipment out of French national territory:

Applications should be made using the form of which the template is provided in Annex 2, which should be sent along with the supporting documentation by fax to 01 42 25 57 97 and by postal mail to INAO (51, Rue d'Anjou, 75008 Paris), at least ten days prior to the desired shipment date.

1.3. Application form for wines already exported to the USA:

Applications should be made using the template form in Annex 2, which should be sent along with the supporting documentation by fax to 01 42 25 57 97 and by postal mail to INAO at 51, Rue d'Anjou, 75008 Paris. In addition, these operators should make an appointment with INAO – Tel.: 01 53 89 80 03 – in order to provide information and supporting documentation capable of providing reasonable guarantees to INAO.

2 – COMPETENT AUTHORITY

The competent authority designated by the French authorities (the Ministry for Food, Agriculture and Fisheries) for the issuance of the declaration is the following:

The Institut National de l'Origine et de la qualité (INAO) [National institute for product origin and quality]

Address: 51, Rue d'Anjou, 75008 Paris.

Tel.:01 53 89 80 00

Fax. 01 42 25 57 97

Email: pinot@inao.gouv.fr

3 – VERIFICATION AND CONTROL

All applications must be accompanied by the required documents in order to provide traceability notably capable of proving the veracity of the name of the grapes and the composition of the wine and by an undertaking by the operator that he is willing to cooperate with any further inspection or verification requested by INAO.

Within the two business days following receipt of the declarations, INAO will verify that the application is complete and the information provided with regard to the composition of the wine is consistent.

A consistency check on Pinot Noir volumes is notably carried out on the basis of the documents provided by the company. This check relates to the company itself and, where applicable, at the request of INAO, the documents provided by its suppliers. The aim is to verify the consistency of the following:

- the land area devoted to the growing of Pinot Noir grapes and harvest declarations specifying Pinot Noir ,
- the volumes specified in harvest declarations (and the volumes of production for wine cooperatives and wine merchants/producers) specifying Pinot N, the status of appellation volumes already claimed and the volumes submitted for such claim. This verification must be done in the light of the handling and blending registers, copies of which are to be provided by the operator.

If necessary, an INAO officer or a representative of the inspection body duly designated by INAO may be involved in conducting inspections on site.

Specific case of controls and checks on bottled or bulk wines present in the United States of America.

All applications must be accompanied by all the documents in order to provide traceability of the wine exported with the specification Pinot N., notably the the documents provided by its suppliers.

4 – ISSUANCE OF THE DECLARATION

When the application is considered complete and INAO feels that it has reasonable guarantees that the product is compliant with the laws and regulations for which INAO has responsibility, the declaration may be issued by the Director General of INAO or the person delegated by him, in the form of the template in Annex 3. The certificate is valid for a given operator and a given vintage date. It is numbered and a certified copy of the signed and dated original is kept on file by INAO.

If the application is not complete or if INAO does not have reasonable guarantees of the compliance of the product with the laws and regulations for which INAO has responsibility, the declaration cannot be issued by the Director General of INAO or the person delegated by him.

(Signed)

ANNEX 1

Adobe Acrobat
Document

« **DEPARTMENT OF THE TREASURY Alcohol and Tobacco Tax and Trade Bureau**

Industry Circular Number: 2010-5 Date: May 3, 2010

**Pinot Noir from the Languedoc-Roussillon Region of France
To: Bonded Wineries, Bonded Wine Cellars, Taxpaid Wine Bottling Houses,
Importers, Wholesalers, and Others Concerned**

1. Purpose.

This circular serves as notice that beginning on May 3, 2010, for all bottled or bulk wine from the Languedoc-Roussillon region of France covered by a Certificate of Label Approval (COLA) naming pinot noir as the single grape varietal and an appellation of origin in the Languedoc-Roussillon region of France, all proprietors importing such wine in bottles or bottling and labeling such wine which was imported in bulk must obtain a declaration from the Government of France stating that:

- a. The wine was produced from at least the minimum percentage of wine derived from pinot noir grapes as required by French law for the labeled appellation of origin;*
- b. The wine was produced from at least the minimum percentage of wine derived from pinot noir grapes grown in the labeled appellation of origin as required by French law for the labeled appellation of origin; and*
- c. The wine otherwise conforms to the requirements of the French laws and regulations governing its composition, method of production, and designation.*

2. Authority.

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act requires that these regulations, among other things, prohibit consumer deception and the use of misleading statements on labels, and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the regulations promulgated under the FAA Act.

Part 4 of the TTB regulations (27 CFR part 4) allows for the labeling of wine with grape varietals and with appellations of origin. Under 27 CFR 4.23, the name of one or more grape varietals may be used as the type designation if the wine is also labeled with an appellation of origin. Under 27 CFR 4.25(b)(2)(ii) and 4.25(e)(3)(iii), foreign wine imported into the United States must also conform to the requirements of the foreign laws and regulations governing the

composition, method of production, and designation of wines available for consumption within the country of origin.

3. Background.

Under TTB's regulations, wine must meet certain standards in order to be labeled with certain information like grape varietal, appellation of origin, or vintage date. In the case of imported wine labeled with foreign appellations of origin, TTB's regulations require that the wine conforms to the laws and regulations of the country of origin. These regulations are in place to ensure that labels provide consumers with adequate information as to the identity and quality of the product.

As stated in part 2 of this circular, wine labeled with one or more grape varieties must also be labeled with an appellation of origin. Wine labeled with a foreign appellation of origin must comply with the requirements of the foreign country's laws and regulations governing its composition, method of production, and designation, which includes standards relating to grape varieties and wine derived from grapes grown in the labeled appellation of origin area.

Vin de pays d'Oc, Vin de pays de l'Aude, Vin de pays du Gard, Vin de pays de l'Hérault, and Vin de pays des Pyrénées-Orientales are appellations for wine from the Languedoc-Roussillon region of southern France. Vin de pays d'Oc is a regional appellation which encompasses four departmental appellations: Vin de pays de l'Aude, Vin de pays du Gard, Vin de pays d'Hérault, and Vin de pays des Pyrénées-Orientales. The name of the Vin de pays d'Oc, Vin de pays de l'Aude, and Vin de pays d'Hérault appellations can be expressed in several variations which are listed in Annex 1.

TTB obtained information from French authorities about investigations of wine producers and merchants in the Languedoc-Roussillon region of France who were suspected of selling wine as pinot noir when the wine was produced from merlot and syrah grapes. The investigation resulted in criminal charges of fraud, and at the conclusion of the subsequent court case, the judge sentenced the guilty parties to jail sentences and ordered the guilty parties to pay fines up to 180,000 Euros.

TTB will also be undertaking domestic investigations into the marketing of mislabeled pinot noir in the U.S. marketplace.

4. Discussion.

To help ensure the integrity of imported wines in the U.S. marketplace, beginning on May 3, 2010, for all bottled or bulk wine from the Languedoc-Roussillon region of France covered by a Certificate of Label Approval (COLA) naming pinot noir as the single grape varietal and an appellation of origin in the Languedoc-Roussillon region of France, all proprietors importing such wine in bottles or bottling and labeling such wine which was imported in bulk must obtain a declaration from the Government of France which:

- a. States that the wine was produced from at least the minimum percentage of wine derived from pinot noir grapes as required by French law for the labeled appellation of origin;
- b. States that the wine was produced from at least the minimum percentage of wine derived from pinot noir grapes grown in the labeled appellation of origin as required by French law for the labeled appellation of origin;

- c. States that the wine conforms to the requirements of the French laws and regulations governing its composition, method of production, and designation;
- d. Provides the basis on which the certifying French Government agency is certifying the wine;
- e. Includes the name and address of the producer;
- f. Includes the brand name, appellation of origin name, and vintage date, if any;
- g. Appears on French Government Agency letterhead;
- h. Is signed and dated by a French Government official; and
- i. Is in English, or, if in French, is accompanied by an English translation.

In the case of wine imported in bottles, proprietors must have the declaration in their possession at the time of release of any of these wines from United States Customs and Border Protection (CBP) custody. However, importers should note that they do not need to present the declaration as part of the CBP entry process. Importers in receipt of shipments on or after May 3, 2010 which were shipped to the United States prior to that date and for which documentary evidence of a shipping date before May 3, 2010 exists must obtain a declaration for the wine within 30 days from the date of release from customs custody.

In the case of wine imported in bulk, proprietors must have the declaration in their possession at the time of bottling and labeling the wine with a French appellation of origin. This includes wine that has already been imported into the United States, but has not yet been bottled. Proprietors are reminded that if imported bulk wine is to be blended after arrival in the United States, after blending, the wine must continue to meet French requirements including those for minimum percentage of pinot noir and wine derived from grapes grown in the labeled appellation of origin area if it is labeled with a French appellation of origin.

For existing bottled inventory held by the importer or bottler of such wine labeled as pinot noir and naming a French appellation of origin, the importer or bottler must obtain the declaration within 30 days of May 3, 2010.

Proprietors must maintain the original or a copy of the required declaration at the business's premises. Note that proprietors will need only one declaration to cover multiple shipments for each brand name, appellation of origin, vintage date, if any, and producer, as long as these conditions are the same.

TTB cautions importers, wholesalers, bonded wineries, and bonded wine cellars that the marketing of a mislabeled wine is unlawful under the FAA Act. Where TTB finds a willful violation of the FAA Act, TTB may take appropriate action which could include suspension or revocation of a permit.

5. Questions.

If you have any questions concerning this circular, please contact the International Trade Division (ITD) at (202) 453-2260 or itd@ttb.gov.

John J. Manfreda
Administrator
Alcohol and Tobacco Tax and Trade Bureau

Attachment:

Gouvernement of france pinot Noir Declaration (Template)

Annex 1

The complete list of appellation of origin names covered by this industry circular is as follows:

Vin de pays d'Oc
Pays d'Oc vin de pays
IGP Pays d'Oc
Pays d'Oc IGP
Vin de Pays d'Oc IGP
IGP Pays d'Oc vin de pays
Vin de pays IGP Pays d'Oc
Pays d'Oc IGP vin de pays
Pays d'Oc vin de pays IGP

Vin de pays du Gard
Gard Vin de pays
IGP Gard
Gard IGP
Vin de pays du Gard IGP
IGP vin de pays du Gard
IGP Gard Vin de pays
Vin de pays IGP Gard
Gard IGP vin de pays
Gard vin de pays IGP

Vin de pays de l'Aude
Aude Vin de pays
IGP Aude
Aude IGP
Vin de pays de l'Aude IGP
IGP vin de pays de l'Aude
IGP Aude Vin de pays
Vin de pays IGP Aude
Aude IGP vin de pays
Aude vin de pays IGP

Vin de pays des Pyrénées-Orientales
Pyrénées-Orientales Vin de pays
IGP Pyrénées-Orientales
Pyrénées-Orientales IGP
Vin de pays des Pyrénées-Orientales IGP
IGP vin de pays des Pyrénées-Orientales
IGP Pyrénées-Orientales Vin de pays
Vin de pays IGP Pyrénées-Orientales
Pyrénées-Orientales IGP vin de pays
Pyrénées-Orientales vin de pays IGP

Vin de pays d'Hérault
Pays d'Hérault vin de pays
IGP Pays d'Hérault
Pays d'Hérault IGP
Vin de pays d'Hérault IGP
IGP vin de pays d'Hérault
IGP pays d'Hérault vin de pays
Vin de pays IGP Pays d'Hérault
Pays d'Hérault IGP vin de pays
Pays d'Hérault vin de pays IGP

Furthermore, the letters "IGP" (Indication Géographique Protégée) can be replaced in any of the above options with the IGP logo."

ANNEX 2

ANNEX 2 – APPLICATION FORM FOR ISSUANCE OF A CERTIFICATE FOR THE PURPOSE OF THE EXPORT TO THE UNITED STATES OF AMERICA OF PGI WINES FROM LANGUEDOC-ROUSSILLON CONTAINING PINOT NOIR

APPLICATION FORM FOR ISSUANCE OF A CERTIFICATE FOR THE PURPOSE OF THE EXPORT TO THE UNITED STATES OF AMERICA OF PGI WINES FROM LANGUEDOC-ROUSSILLON CONTAINING PINOT NOIR

To be sent to INAO – 51, Rue d’Anjou, 75008 Paris, Tel: 00 33 (0)1 53 89 80 03 Fax: 00 33 (0) 1 42 25 57 97 no later than ten business days before the desired date for shipment out of French national territory, for the vintage date and named operator.

IDENTITY OF SHIPPER:

Company :.....

CVI no.:.....

SIRET no.:.....

Address :.....

.....

Zip code:..... City :.....

Telephone : Fax :

Contact individual:..... Post:.....

Email:@.....

You are:

- A private wine cellar A wine cooperative
 Wine merchant/maker Wine merchant
 Other (give details:.....)

PRODUCTION DESCRIPTION:

Vintage date:.....

Brand name:

Condition: bottled bulk

Volume concerned:hl

DOCUMENTS TO BE ATTACHED TO DECLARATION:

For private wine cellars:

- Copy of CVI account details
- Copy of the harvest declaration specifying grape varietal
- Copy of the declaration of part (or total) appellation claim

- Copy of entry and withdrawal accounts register
- Copy of blending record

For wine cooperatives:

- Copies of the CVI account details of suppliers harvesting Pinot N
- Copy of the production declaration (SV11) specifying grape varietal
- Copy of the declaration of part (or total) appellation claim
- Copy of entry and withdrawal accounts register
- Copy of blending record

For wine merchants/producers:

- Copies of the CVI account details for vendors harvesting Pinot N
- Copy of the production declaration (SV12) specifying grape varietal
- Copy of the declaration of part (or total) appellation claim
- Copy of entry and withdrawal accounts register
- Copy of blending record
- Copies of accompanying administrative documents (DAAs)

For wine merchants:

- Copy of entry and withdrawal accounts register
- Copy of blending record
- Copies of accompanying administrative documents (DAAs)
- Copy of volume status in relation to volumes purchased
- According to case:
 - Copy of the harvest declaration specifying grape varietal
 - Copy of the production declaration (SV11) specifying grape varietal
 - Copy of the production declaration (SV12) specifying grape varietal

For all operators:

In the case of vintage years 2008 and 2009, operators may offer a document or test results as replacement for the supporting documentation required above if they are able to demonstrate that these provide equivalent guarantees.

For wine merchants and wine merchants/producers:

For all vintages, documents internal to the company must be supplied to certify traceability of the products upstream from their reception (supplier certificates, documents, etc.).

ANNEX 3 : Gouvernement of france pinot Noir Declaration (Template)



Vintage year:	
Operator Number	
Declaration number	

Government of France Declaration Certifying Pinot Noir from Languedoc Roussillon

Having regard to the *Code rural et de la pêche maritime* [French code of rural and maritime law] and specifically clauses L.641-11, L.642-2, L.642-27, L.642-28, L.642-31 and R.641-25-1,

Having regard to the decree "Oc" approved on 15.10.1987 and the decree "Aude", "Hérault", "Pyrénées Orientales", "Gard" no. 2000-848 approved on 1.09.2000,

Having regard to the verifications carried out by the certification body "Qualité France" or, in the case of wines from Pyrénées Orientales, by the inspection body (LRO Sud de France),

Having received the certification application from (name)_____ on (date___),

I, _____, in my capacity as general director of INAO, hereby declare that :

The Pinot Noir wine shipment characterized as follows :

1 – For non-bottled wines :

- vintage year :
- exported by (company name and address) :
- from the PGI (name of appellation) :

Consists, according to EU and national rules, of not less 85% Pinot Noir grown in the PGI area, that it complies with the requirements set out in the PGI product specification and is acceptable as such for sale in France.

2 – For bottled wines :

- vintage year :
- brand name :
- distributed by (company name and address) :
- from the PGI (name of appellation) :
- bottled by (company name and address) :

Consists, according to EU and national rules, of not less 85% Pinot Noir grown in the PGI area, that it complies with the requirements set out in the PGI product specification and is acceptable as such for sale in France.

(signature by INAO)

INAO, 51, rue d'Anjou - 75008 PARIS

