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## Original Article

# Institutionalizations compared: Implementating the EU's 2008 wine reform

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**Abstract** In 2008 the European Union adopted an apparently radical reform of its wine policy. However, whether this policy change actually reinstitutionalizes the regulation of this industry is dependent on how it is implemented and represented by both commercial operators and regulators located at national and intra-national scales. Using interview and documentary data generated on this process in France, Spain and Romania, this article sets out to compare and explain the differentiated institutionalization of the reform that has actually occurred to date. Its key empirical finding is that reinstitutionalization is dependent on the degree to which change has been legitimated within such regions. More precisely, durable change or maintenance of the *status quo* stems from how conflicts over different parts of the EU's reform have been framed and debated locally. This finding has two wider implications for institutionalist theories of political change. First, constructivist accounts of the framing of collective and public problems need to be brought to the fore. Second, at least when studying contemporary Europe, the question of scale and its institutional effects should be systematically built into research strategies and methodologies.

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## Introduction

In 2008, the Council of the European Union (EU) adopted a regulation (479/2008) that claimed to radically reform its Common Market Organization (CMO) for wine and thereby the regulation of this industry in Europe.<sup>1</sup> Indeed,

to borrow Peter Hall’s well-known typology of ‘social learning’ (1993), this legislation appeared to herald a ‘third order change’ because it incorporated not only a recalibration of policy instruments (first order) and their partial replacement (second order), but also changed in the European wine industry’s hierarchy of objectives, as well as the values around which they have been justified.

As Box 1 describes, a range of policy instruments that were once at the heart of the EU’s intervention in the wine industry have either been abandoned or transformed. For example, large budgets for the distillation of surplus wine have been phased out and some of the money saved has been devoted instead to promoting European wines in third countries. But the reform ostensibly also sought to induce much deeper change by modifying not only the hierarchy

<b>Box 1:</b> A comparison of the Commission’s legislative proposal and of the Regulation adopted	
<i>The initial proposal</i> <sup>a</sup>	<i>Regulation 479/2008</i>
<i>Rules concerning production:</i>	
<ul style="list-style-type: none"> <li>● Banning enrichment through added sugar</li> <li>● Reintroducing a subsidy for grubbing out 200 000 ha of vines over 5 years</li> <li>● Ending plantation rights as of 1 January 2014</li> <li>● Transferring authorization of œnological practices to the Commission and adoption of such practices permitted by the Organisation Internationale de la vigne et du vin (OIV)</li> </ul>	<ul style="list-style-type: none"> <li>● Not obtained but maximum level reduced</li> <li>● Obtained but changed (175 000 ha over 3 years)</li> <li>● Obtained but delayed until 2015-2018</li> <li>● Obtained</li> </ul>
<i>Rules concerning marketing and restructuring:</i>	
<ul style="list-style-type: none"> <li>● Ending distillation aids</li> <li>● Ending export restitutions</li> <li>● Introduction of a new categorization of wine: with or without a Geographical Indication (GI)</li> <li>● Authorization of wines without GIs to bear mention of grape varieties and year of harvest</li> <li>● Creation of a budget of 120 million euros (cofinanced 50 per cent by the EU) to promote EU wines in third countries</li> <li>● Authorization of ‘national envelopes’ to aid the adjustment of growers and merchants</li> </ul>	<ul style="list-style-type: none"> <li>● Obtained: distillation phased out 2008-2012</li> <li>● Obtained</li> <li>● Obtained</li> <li>● Obtained</li> <li>● Obtained</li> <li>● Obtained (eg in 2011 France received 280 million euros from the EU as cofinancing)</li> </ul>
<sup>a</sup> Com(2007)372, European Commission, 4 July 2007.	



between two policy objectives – maintaining levels of production and making European wine easier to market – but also the causal theory that had hitherto linked these two goals. In a nutshell, instead of basing policy on the assumption that ‘producing quality and authentic wine will lead to more sales’, the 2008 reform was built on a very different contention that only wine that fits with the demand of the ‘modern consumer’ is economically sustainable and, therefore, merits EU support. Moreover, this shift in objectives and assumptions has been accompanied by value-laden discourse about the ‘goodness’ of producing for markets and the ‘badness’ of relying on public intervention.

That was the theory, but what has occurred in practice? What has happened during implementation to the ‘blueprint’ for deep policy and political change set out in the Council regulation? Has the paradigm shift experienced at the EU scale been mirrored at national and local scales? Based on research on implementation in three national vineyards and political systems (France, Spain and Romania),<sup>2</sup> sections two and three of this article provide some empirical answers to this classical question of public policy analysis. Before doing so, however, the first section sets out why the theoretical ambition of our research is to bind comparative analysis of how the EU’s reform has been implemented into a broader constructivist and institutionalist perspective on political change. Indeed, the analytical framework developed in this section, together with the empirical findings it has enabled us to uncover, generates the main thesis defended in this piece: focusing on the politics of institutionalization, rather than institutions themselves, is the most heuristic means of understanding diversity in the implementation of EU reforms.

## Studying Implementation as Institutionalization

Since the path-breaking work of Pressman and Wildavsky (1973), public policy analysis has studied implementation as a vital political process that can and should be conceptualized differently from the question of ‘compliance’. This distinction is particularly relevant within EU studies because whereas specialists of compliance legitimately focus on the *transposition* of EU regulations and directives into national law and then their *enforcement* (Falkner, 2005; Falkner and Treib, 2008), analysts of implementation instead expect national and local ‘translations’ (Smith, 1997) of EU legislation to be heterogeneous. This expectation is not derived from the rationalist assumption that ‘agents’ distant from their ‘principals’ in Brussels will always seek to maximize their autonomy until they are punished for doing so. Rather, implementation is studied as a form of translation first because definitions of the ‘public problem’ (Rochefort and Cobb, 1994) being tackled are likely to differ and, second, because pre-existing configurations of institutions and actors will always vary. In short,

research carried out in this vein is fundamentally both constructivist and institutionalist.

But how can constructivist epistemology best be coherently articulated with institutionalist concepts and research strategies designed to capture the causes and extent of political change? As others have highlighted (Hay, 2006; Parsons, 2007), we consider that the challenge here is to take support from historical institutionalism while avoiding some of its analytical traps. This institutionalism is definitely a source of analytical purchase for at least three reasons. First, by defining institutions as stabilized sets of rules, norms and conventions, it clearly conceptualizes public policymaking as attempts to change or reproduce institutions (Hall and Taylor, 2009). Second, within any social or economic space, such as the wine sector, institutions are rightly considered not only to place constraints on actor behaviour, but also to provide the very conditions for such activity to take place in a relatively predictable and therefore durable fashion (Fligstein, 2001). Finally, within historical institutionalism a great deal of work has recently been devoted to identifying the causes of institutional change as not simply being 'exogenous shocks'. Thelen (2003) in particular highlights instead 'the cumulative effect of continuous change', which occurs 'under the surface of apparently stable institutional arrangements'. Consequently, she proposes a distinction between 'two modes of change': (1) 'institutional layering', that is, 'the partial renegotiation of some elements of a set of institutions which leaves others unchanged' and (2) 'institutional conversion': when change in the environment raises new problems that the actors confront by using existing institutions differently. Such conversion is usually the result of the incorporation of previously excluded actors or groups who modify the aims of existing institutions (see also Streeck and Thelen, 2005; Hall and Thelen, 2009; Mahoney and Thelen, 2010).

Notwithstanding the value of these variants of institutionalism, we seek to go beyond them for empirical and theoretical reasons. As regards the former, in our case study we also refute the 'exogenous shock' thesis. However, Thelen's hypothesis of 'institutional sedimentation' does not fit given that instead of a 'partial negotiation' an overall reform took place. Moreover, 'institutional conversion' has not occurred either, since most of the instruments of the CMO have been replaced rather than converted. More fundamentally, Thelen's approach to policy change has two problematical features we consider can only be addressed by adopting an alternative theory-driven viewpoint.

The first of these features is simply the neglect of implementation as a decision-making phase of public policy and institution-building. In the standard version of historical neo-institutionalism (for example, Pierson, 1996), governments adopt institutional changes that are quickly followed by phenomena of 'lock-in', which in turn make institutions self-reinforcing and actor behaviour 'path dependent'. We instead consider that full



institutionalization of such a change in the economy or society will only occur when its content is accepted as ‘fitting’ with actor practices. Indeed, as François argues persuasively, ‘There are not on the one hand rules with an independent existence that soar above practices, and on the other practices which are just their more or less imperfect and case by case translations. On the contrary rules can only be grasped by examining practices’ (2011, p. 51). One thus needs to build into accounts of institutional change the diversity of actors within an industry and how their practices relate to institutions (for example, wine cooperatives historically have had different practices with independent producers and different relationships to the wine CMO). We thus place emphasis on how the same (EU) policy can be constructed and used in different ways, thereby contributing (or not) to its institutionalization in each of the regions and professions it affects.

Second, unlike Thelen and her many followers, we consider it essential to unpack the social representations of policy change held by a range of its implementers in order to grasp the legitimacy, and thereby the degree of stability, it is accorded. More precisely, we contend that rules, norms or conventions potentially embed themselves as institutions within economic and social practices because they are represented as legitimate parts of at least one of the four ‘institutionalized relationships’ (finance, employment, production, commercial) through which an industry is governed (Jullien and Smith, 2008). Whether new policy instruments become institutions is therefore dependent on the ‘political work’ of legitimation, which, we hypothesize, must accompany the application of any instrument if it is to stabilize and have governing effects over time. Put succinctly, our question here is therefore not only about the effects of institutions on actor behaviour, but also on potential shifts in their respective legitimacy – what Colin Hay calls ‘the normalization of policy paradigms’ (2006, p. 59).

Overall, then, our institutionalism seeks to maintain its constructivist epistemology from the stage of research design right through to the written presentation of findings. This approach will now be applied to the case of EU wine policy reform in two distinct sections. First, we examine the impact of change on the most deeply interventionist dimension of previous CMOs, which since 1970 had involved large budgets in attempts to alter the supply of grapes and wine. Second, we look at how the reform has sought to bring about a reprogramming of markets through its modification of rules on the definition of wine and its categories.<sup>3</sup>

## **The End of Interventionism?**

Deep intervention in the economy, and in certain industries in particular, was a well-known feature of most European polities from at least the end of the

nineteenth century until the 1980s and 1990s. This was particularly the case in the southern wine-producing states – France, Italy and Spain – which have dominated Europe’s wine production and its political regulation. Indeed, to a large extent the EU’s wine CMOs largely transposed to the EU scale a French policy paradigm that had existed since at least the 1930s (Smith *et al*, 2007; Colman, 2008). These instruments aimed principally at controlling wine prices through limiting the supply of grapes produced (section ‘The deregulation of vine growing’) and the supply of wine released onto the market (section ‘Abandoning subsidized distillation: Deregulating supply?’). The architects of the latest EU reform sought instead to abandon these instruments and thereby ‘liberalize’ the European wine industry. If part of this ideological project does indeed appear to have had considerable impact on productive and commercial practices, the institutions involved are represented in ways that accord them different degrees of legitimacy.

### **The deregulation of vine growing**

From the point of view of grape production, the EU’s reform set out to reduce the number of vines in vineyards that have low profitability, but also to abandon controls on new plantings so as to encourage expansion in areas that ‘the market’ favours. Both these attempts at deep policy change met with considerable resistance during the negotiation phase, many protagonists accusing the Commission of ‘Malthusianism’ and wanting to ‘delocalize’ wine production to a small number of prosperous vineyards. However, during implementation only the abandoning of planting rights has continued to spark controversy and new forms of political activism.

#### *Grubbing out vines*

The Commission’s initial proposal was to subsidize the grubbing out of no less than 400 000 hectares of vines ostensibly in order to ‘cleanse’ the market of low-quality wines that were seen as dragging prices down. A less clearly stated objective was to reduce the number of growers in Europe by eliminating the smallest, concentrating supply and thereby supporting only the most commercially ‘efficient’. After considerable mobilization by producer groups and national administrations, this figure was more than halved in the final version of the regulation. As Table 1 shows, the take-up of this policy instrument has been considerable. But beyond these figures it is even more important to discover intra-national differences and, above all, how grubbing out as a politico-economic practice has come to be represented by all the actors concerned.

In *Spain*, demand for grubbing out aid has been extremely high.<sup>4</sup> At one level, the take-up of this practice therefore seems to vindicate the Commission’s

**Table 1:** Vines grubbed out 2008-2011

	<i>Area grubbed out (ha)</i>	<i>% of 2008 vineyard</i>
Spain	97 825	7
France	22 938	2

*Source:* Vitisphere, 25 February, 2011.

initial proposal on grubbing out. However, our interviews with representatives of growers and cooperatives highlight that this removal of vines may not have a significant impact on production levels and markets. First, they consider that much of the land taken out of production had been the least productive, which explains why overall supply has not significantly dropped. Second, and more fundamentally still, they consider that too much of the aid has been given as a social payment to growers leaving the industry altogether, rather than to those who seek instead to restructure their vineyards and thereby contribute to the industry's future:

We in the COAG have positioned ourselves against this measure because this is about a large sum of money, thousands of euros, which is going to people who are leaving the sector. But, you understand, I'm 33 and I want to try to continue to live from this sector. In other words, my objective and that of this organization, was not to obtain money for people who leave the sector, but for those who stay!<sup>5</sup>

Indeed, this point is doubtless made with particular force by this actor because he comes from Castilla–La Mancha, the region that has accounted for no less than 70 per cent of the vines grubbed out in Spain. Meanwhile, grubbing out has had far fewer and sometimes no takers in other regions such as the Rioja where vines are still much sought after. Consequently, the position of the Spanish government over grubbing out is paradoxical: in general it is seen as a loss of the country's productive potential, but at the same time this measure is viewed as helping resolve certain agricultural and even agrarian problems.

Similarly in *France*, the most immediately remarkable feature of the implementation of this policy instrument is its concentration in one region, the Languedoc Rousillon, where 16 098 hectares of vines were grubbed out between 2008 and 2011. In contrast, only 1428 hectares have been removed in Aquitaine. Nonetheless, the most commonly held representation in this region is that grubbing out remains a 'relevant' policy tool:

I think it's one of those tools that are useful in certain circumstances (...). In a difficult year where production has been prolific you have to be able

to manage supply and demand. And above all to manage the wines that are not worthy of the name ‘Bordeaux’. You need to be able to have the right levers so that the client is satisfied.<sup>6</sup>

Indeed, as in Spain, there is a deep-seated individual and collective worry that without this policy instrument, in the future volumes of production in Europe will not be sufficiently controlled. In short, even when this measure has not been applied heavily in their own wine areas, for such actors the EU giving up a means of controlling the volume of supply is experienced as an additional source of economic uncertainty.

In *Romania* it is widely acknowledged by the principal actors in the wine industry that their national vineyard suffers greatly from the continued importance of hybrid varietals such as Noah, Othello, Jacquez or Herbelement (92 000 ha of vines producing 2.23 million hl of wine per year) compared with ‘noble’ ones (84 200 ha for 3.14 million hl). These actors sought but failed to have some of the cost of replacing the hybrids paid for by the EU within the framework of the accession agreement and/or the reform of the wine CMO. Given that the Romanian government has thus far refused to subsidize grubbing out itself, this policy is therefore virtually at a standstill, with only 1000 ha of vine being dealt with each year.<sup>7</sup> The reaction of the actors who dominate this industry is one of frustration that what they see as a structural, or even societal, problem is not currently being dealt with and, consequently, is continuing to have negative knock-on effects:

The big issue is one of agrarian structure. At the time of decollectivization a lot of people received a small amount of land they do not know what to do with. The solution would be to regroup this land in the form of co-operatives. But in the generation that experienced communism there is incredible resistance to any form of collective production. Fortunately these are old people who will soon be replaced by wine-makers who are better able to understand the usefulness of associations and co-operative structures.<sup>8</sup>

In the Romanian case, grubbing out has not been about improving the quality of wine produced in the EU, but rather about reconfiguring the industry by concentrating supply in the hands of a small number of operators. The grubbing out that was imposed on Romania for reasons of improved quality (eradicating hybrid varietals) has not been subsidized by the EU. Moreover, the actors involved all legitimize grubbing out as being done in the name of concentrating supply, and this by recycling and repeating a discourse about efficiency they have imported from elsewhere. Indeed, the Romanian case highlights that across the European wine industry, the instrument of grubbing



out has given rise to differentiated legitimations because there is a considerable difference between a qualitative logic (pulling out vines to improve wine quality) and a quantitative one (ending production in order to concentrate supply).

### *Liberalizing planting rights*

The notion of Europe's wine industry 'losing control' is even more present in reactions to the second part of the 2008 reform's anti-interventionist content that concerns planting rights. In France, growers have had to apply for the right to plant wines since the beginning of the twentieth century. Following what was seen as a 'European crisis of overproduction' in the early 1970s, French actors subsequently ensured that this instrument was transposed to the scale of the European Community, with the unstated aim of limiting expansion of production in Italy. Since the early 1990s, however, a number of actors, and in particular officials from DG Agriculture's wine unit and representatives of large wine merchants, have sought to abandon this policy measure in the name of lowering 'the administrative burden' on economic operators, 'liberalizing markets' and conforming with the rest of the reformed Common Agricultural Policy. Although some supporters of this part of the CMO's reform remain, and are particularly present in *Romania*,<sup>9</sup> adverse reaction in the areas studied has been considerable. Indeed, at the time of writing it seems likely to further delay the termination of this policy instrument, if not lead to its reinstitutionalization.

Growers from *France* have consistently taken a lead in delegitimizing this issue and organizing resistance to what has been seen in this country as a Commission-wine merchant priority. This has taken its most visible form through the creation of a 'European Federation of Origin Wines' (EFOW), led by the French *Confédération nationale des appellations d'origine contrôlée* (CNAOC), a development paralleled first by the enrolment of the French government and subsequently by many others (Smith, 2011). To date, the result of this European-scale political work has been considerable given that 12 national governments have given very public support to a change in EU policy on this point.

In order to gauge the depth of this resistance, however, analysis of the views expressed by actors from regions with many AOC wines, such as Aquitaine, is highly instructive. In all our interviews in this region every producer representative has unequivocally stated that they want plantation rights retained, while no merchant has spoken against them. Indeed, they all see AOCs as impossible to manage without an accompanying system of planting rights. Of course, some wine merchants located in Aquitaine do not necessarily share this unreserved support for plantation rights. Nevertheless, even large

companies present throughout France tend to see their liberalization more as a risk than as an opportunity:

We don't have a specific position for or against. But what we do know is that over the past few years a lot of effort has been put into improving the quality of our wines (...). So everything that today may go against the quality of French wines is to be handled with great care (...). If one can just plant without any particular constraints, what is that going to produce tomorrow? There will no longer be a handle on this, one will no longer be able to control it (...). That's taking an enormous risk.<sup>10</sup>

More generally, within France plantation rights do not appear to have become a symbolic issue that creates or recreates divisions between wine merchants and growers. Rather, there is currently a French consensus that these rights to plant give those who govern the industry some sort of hold on both the volume and the quality of supply.<sup>11</sup>

No such consensus exists in *Spain*, however, where wine merchants and large wine-producing companies have been very much in favour of liberalizing plantations, whereas representatives of smaller growers, co-operatives and governments of regions such as La Rioja have sought to resist this policy change. Represented by the increasingly powerful *Federación española del vino* (FEV), in 2007 the former convinced their national government to back this part of the wine CMO's reform with the following type of argument:

We do need a system for managing planting, but not, as a consequence, limitations or a ban on them. Because one becomes lazy in AOC zones, in these clusters, and one no longer actually manages potential production.<sup>12</sup>

Notwithstanding this support from the FEV and the large wine merchants and wineries it represents, resistance on this issue from growers has been consistent and, over time, has managed to change the position of the Spanish government from having supported the Commission's initial proposal to now opposing it.<sup>13</sup> The position of the COAG on this point has always been unequivocal:

We have asked our minister of agriculture to position herself, as Sarkozy and Merkel have, against the liberalization of planting. Because we do not understand that on one hand subsidies are given to grub out vines, while on the other planting has been liberalized.<sup>14</sup>



More precisely, one fear here is that entire areas of vines will be ‘delocalized’ to regions whose wines currently sell the best. In Spain at least, this threat of delocalization is often linked to actual events that took place in the recent past and which involve the Rioja wine region in particular. As is well known, the latter has experienced not only a rise in its notoriety over the last three decades, but also an expansion of its levels of planting and production. Indeed, since the late 1990s, among Spanish regions the Rioja has benefited the most from new planting rights. Consequently, some actors from elsewhere in Spain fear not only that it will experience a disproportionate amount of new vines in the future, but also that existing individual producers will lose a patrimonial resource for which they have had to pay relatively large sums of money:

In the Rioja as much as 25.000 euros a hectare have been paid for plantation rights. It is obvious that this area now has a value that contains the cost of the right, plus the value of the land, plus the value of the right as applied to the land. But now on the field next door that has yet to be planted, a grower can arrive and say ‘I’m planting here because nobody can stop me or make me pay for it any more’.<sup>15</sup>

The debate over planting rights is set to be further politicized over the coming months if not years. First, it is a policy instrument that many actors want to retain or abolish because of its own properties. Second, many actors consider that its retention would have wider ramifications for the new EU policy paradigm. This is clearly the case, for example, for the *Comité européen des entreprises vin* (CEEV), who, in their counterattack against the EFOR coalition, recently underlined that ‘The coherent and balanced deployment of the Wine CMO reform, in accordance with the stages which have been accepted, must be respected in its entirety. It is essential to preserve this new framework and its philosophy, constructed on the basis of the demand from consumers and markets rather than production and supply’.<sup>16</sup>

### **Abandoning subsidized distillation: Deregulating supply?**

In the 2008 reform, ending interventionism has meant not only an end to controls over the size of production areas, but also abandoning a policy instrument designed to control the amount of wine entering the market: subsidized distillation. Together with public aid for stocking wine that existed previously, this policy tool has generated controversy for decades because of its cost, but also because it indirectly subsidized the production of brandy and other alcoholic drinks.

In *France*, and in Aquitaine in particular, the termination of distillation is the part of the CMO's reform that is considered the most legitimate. Indeed, it is most often framed as 'inevitable'. To quote one interviewee:

In terms of principles it's very difficult to run against the course of History. (...) distillation was a measure brought about by recognition of a failure.<sup>17</sup>

However, it is in *Spain* that the abandoning of distillation has not only had the greatest impact on producers, but also where debates about the legitimacy of this policy change have been the most intense. Largely because much of the Spanish vineyard, and in particular Castilla–La Mancha, had been devoted to a type of white wine that has become very difficult to sell,<sup>18</sup> by the mid-2000s as much as a quarter of total national production was being distilled each year to make alcohol. Not surprisingly, then, the two transition years authorized by the CMO's reform have continued to see large take-up for subsidized distillation (the equivalent of 7.6 million hl a year).

In terms of political work around this issue area, the COAG have sought in vain to defend distillation subsidies as a means of protecting the 'diversity' of Spanish wines:

If we don't subsidize the elimination of 4 million hl per year that is currently distilled, imagine what 4 million hl will do to the wine market! And all this with internal consumption continuing to decline.<sup>19</sup>

For its part, the cooperative movement has sought to take a more balanced view, seeing the benefits of distillation aid for the wine market, but also that it has tended to discourage producers from making efforts to improve both the quality of their products and their marketing. Indeed, given the improvement in wine quality they consider has taken place over the last 20 years, this accent on marketing was underlined to us in an interview in the following terms:

We can say that today there is very little bad wine. There is wine that sells badly. But bad wine, there's very little of it, not here and not in France.<sup>20</sup>

However, this type of representation contrasts strongly with the point of view of the FEV, who are intensely critical of the previous CMO on this point:

In a nutshell, one used to say 'we need that much, so how much wine do we need to eliminate as alcohol in order to get that figure?' Classical management. 'How do we manage this so that people turn wine into



alcohol? Then you had to get that alcohol into a market – so a second subsidy was needed...<sup>21</sup>

In summary, the CMO reform has reduced the magnitude of public interventionism considerably. Within regions such as La Rioja and Aquitaine, the abandonment of grubbing out and distillation subsidies has been legitimated by endogenous actors and, consequently, has become institutionalized. This is less so in regions such as Castilla–La Mancha, where debate continues over the social and political meaning accorded to this policy change. In contrast, the removal of plantation rights has sparked such a level of resistance within all wine regions and across its professions that its institutionalization now looks distinctly improbable.

## **A Reprogramming of Markets?**

A second part of the 2008 reform concerns attempts by public and collective actors to assist European wine producers and merchants by restructuring the range of wines they produce and ‘simplifying’ their presentation to the public. Driven by a perceived need to confront their ‘challengers’ (Fligstein, 2001) from the New World more directly, this objective has given rise to change in two policy instruments: the definition of wine (through a list of authorized practices) and the official categories that are used both to segment markets and organize production. In the case of the former, a drive to remove restrictions on producers and merchants was legitimized by evoking a ‘level playing field’ for Europeans competing in ‘globalized markets’ (section ‘Liberalizing oenological practices’). Meanwhile, the change in categorization sought to recalibrate the supply of EU wine using policy tools that are regulatory and virtually budget-free (section ‘Recategorizing European wine around “geographical indications”’). In the mid-2000s, initial reaction from producers to the Commission’s proposals on these issues was often hostile to the former while broadly welcoming the latter. However, translating them both into practice has thus far been a much smoother process for the new oenological rules than it has for the adoption of revised wine categories.

### **Liberalizing oenological practices**

Through the 2008 reform the Commission succeeded in obtaining the power to authorize oenological practices. According to its representatives, rapid technical change in the wine sector necessitated rapid and flexible policy responses that the Council of Ministers was not equipped to provide. Their

unstated objective was to align EU rules in this area with those used in ‘the New World’, where many more oenological interventions are authorized in the name of stabilizing wine quality and thereby meeting the requirements of ‘the modern consumer’. Although change in the EU’s definition of wine and who controls it has sparked isolated politicized controversies,<sup>22</sup> in each of the vineyards we have studied it has been widely accepted and even warmly welcomed. In short, the new EU legislation on this point has been fully institutionalized within the practice of individual operators, interest groups and public authorities. This thus appears to confirm that most European producers and merchants now accept that they ‘need’ to align their practices in this respect with those of New World producers. Nevertheless, this acceptance of the legitimacy of the new oenological rules is not simply the result of its supposed facilitation of production and lowering of costs. Rather, this legitimacy is the result of a long-term struggle among experts in the European wine field to normalize the liberalization of rules as part of a quest to meet the needs of ‘the modern consumer’ – a category of thought and action whose construction we have analysed elsewhere (Roger, 2010).

This liberalization is almost completely accepted in *Romania* and *Spain*. In the former, the loss of national control in this matter has not provoked any controversy, and this largely because its leading experts were already heavily involved in the OIV and therefore consider the latter as perfectly legitimate. In *Spain*, the FEV sees this change positively because it is ‘simpler’ and more ‘flexible’, thus opening up opportunities for using new oenological practices that until now had been outlawed in the EU. It considers also that deciding on such issues within the OIV is a sufficient guarantee that ‘the fundamental characteristics of wine’ will nevertheless be preserved (FEV, 2009, p. 38). Elsewhere there has been slight concern that the Commission now has more influence, and even power, in this area. This position, shared by the CCAE and the Spanish state, pushed the latter to argue during the 2007–2008 negotiation that the Council should retain authority on oenological practices.<sup>23</sup> The FEV, however, had no such fears, considering instead that it was a good thing that the EU’s position here ‘no longer depended upon a laborious modification of rules made within the Council’ (FEV, 2009, p. 38).

Even in *France*, the change in rules over oenological practices has been largely accepted. This is most obvious in the discourse of wine merchants and their representatives:

This was something we had wanted for a long time. The typical example is the use of oak chips – until a couple of years ago we could not use them in the EU whilst our competitors could and that made their production for the tastes wanted by the market easier. We had really tied our hands behind our backs.<sup>24</sup>



Nevertheless, some actors are still concerned by the perceived risk of standardization they feel could result from these rules:

These changes have been necessary. They've taken place and that's a good thing. But this does not mean that we should just copy what the big Australian or Californian brands are doing.<sup>25</sup>

Lines of tension still therefore divide actors within the wine industry about this liberalization of oenological practices. However, for the moment at least, it is no longer the deeply politicized issue it once was. Indeed, this measure appears to fit relatively harmoniously with the practices of European producers and merchants. It thus appears that this part of the CMO reform is well on its way to becoming institutionalized.

### **Recategorizing European wine around 'geographical indications'**

In contrast to this relative serenity over oenological practices, the change to the categories of European wine introduced by the EU reform has generated a great deal more private, collective and public uncertainty and debate. Whereas before this reform three broad types of wine were marketed ('table wine', AOCs and '*vins de pays*'), now wines are classified as being either with or without 'geographical indications' (GIs).<sup>26</sup> These policy instruments limit the provenance of grapes and set many production and processing rules in the form of territory-linked specifications. This change made in 2008 was ostensibly to 'simplify supply' by on the one hand recasting table wines (thus hopefully making them easier to market), while on the other encouraging producers of AOCs and *vins de pays* to become more demanding about their respective quality.<sup>27</sup> However, other than in *Romania* where this part of the CMO reform has been adopted wholesale and without debate,<sup>28</sup> for the moment at least a great deal of doubt remains about both the commercial utility and the political coherence of this policy change.

#### *Reinventing 'table wines'*

Over the course of the last couple of decades, the term 'table wine' has become a stigma in most of Europe and elsewhere. Potentially produced from grapes that could come from anywhere in the EU and without constraining rules about yield levels in particular, by the mid-2000s many experts, merchants and even producers considered that table wines had become virtually unmarketable. The solution concocted by Commission officials was to invent a new administrative category ('wines without GIs'), and then to encourage their marketing by grape varietal and year.

On this subject, national actors from *Spain* had already attempted significant change before the CMO reform when in 2006 they introduced the category ‘Viñedos de España’. Created by the Ministry of Agriculture at the request of the FEV, this move provoked intense resistance from certain Autonomous Communities and in particular the Rioja and Castilla y León. Indeed the latter, or more precisely its GI ‘Ribera del Duero’, took the national government to court over this category. After lengthy legal transactions, the Spanish national court of justice *Audiencia nacional* struck down the decree that had created it. After modification, it was reintroduced but has continued to cause controversy, this time at the European scale,<sup>29</sup> because the Commission refused the use of the name of a member state as a GI, except if there is a proven link between the quality and the reputation of the wine produced and the concerned GI.<sup>30</sup> Just as importantly, in the interim an alliance of actors from Spanish regions, including Castilla y Mancha (who many thought might have seen in this category a solution for its table wines), put pressure on their national government to abandon the category ‘Viñedos de España’ once and for all, a goal they finally achieved in February 2011. As an interviewee from the government of the Rioja put it in an interview, this category was stigmatized as ‘a fraud’:

Ultimately Viñedos de España would use a GI for getting rid of no matter what table wine that comes from just anywhere in the country, and this without any form of control.<sup>31</sup>

Similarly, according to interviewees from the COAG, opposition to this category was principally fuelled by fears about the effect it would have not only on the wine sold with this label on the bottle, but more generally on the image of all Spanish wines:

Who controls the quality of a wine that wears the label ‘vin de France’ ? If I buy a bottle of *Vins de France* and its undrinkable I won’t buy French wine anymore. (...) It’s a category that the wine merchants (*la industria*) looked favorably upon because the British consumer, who does not know Bordeaux or another such wine area, looks for the country, sees *Vins de France* and says to themselves, ‘Ok, I’ll buy that’. But then ‘ah, disgusting, never again’. It’s a risk.<sup>32</sup>

More generally, as representatives of the Spanish Ministry of Agriculture underlined to us, the new rules for wines without GIs meant that the name ‘Viñedos de España’ no longer had any justification: the EU now authorizes the practices that its supporters wanted, and this without raising issues for the rest of Spanish wine.



In *France* one would need to study the situation in Languedoc Roussillon in order to fully grasp the impact of this part of the CMO reform. Indeed, wedded to AOCs or *vins de pays*, most actors in Aquitaine consider that it does not directly concern them. Nevertheless large wine merchants present in several French vineyards certainly do. Here the development over time of one such merchant's approach to the collective brand 'Vins de France' is revealing:

Two years ago we would have said 'this is nonsense', because it would disrupt everything and create confusion because it is just administrative. So it was *communautaire*, reglementary but it would not help much at all. However, once we had reflected on this, we said it might be useful on export markets, to help us fight New World wines with the same weapons. So we said 'let's try to build something here'.

The current shortfall in supply of such wines is partly due to Bordelais producers having refused until 2011 to 'declassify' their AOC wines and sell them without Bordeaux's famous GI. As the following citation from another wine merchant reveals, the issue seems to be one of identity. For such actors, wines without GIs:

belong to another conception of production. What would going in that direction imply ? It would mean producing in vineyards that are of a lesser quality. If there are vineyards that are of a lower quality, they must be taken out of the AOC area. Then, what is the interest of doing this ? (...). No, no, there is a beautiful AOC called Bordeaux, and we just need to continue working on our image and the quality of our wines.<sup>33</sup>

Nonetheless, in 2011, 130 000 hl of wine from Aquitaines's cooperatives were sold without an IG (up from 30 000 in 2010). More generally, representatives of producers in this area now see this category as a means of regulating the market for AOC wines.<sup>34</sup> Rigorous information has yet to be generated about the commercial and practical effects of the introduction of 'wine without GIs'. Nevertheless, as a rule it now appears to have legitimacy among producers and merchants.

### **The relaunching of 'wines with geographical indications'**

As the case of Bordeaux underlines, despite the political and commercial efforts made to distinguish and separate them, wines without or with GIs are still part of the same global market and are thus in an interdependent relationship. Much as actors strive to present and defend wines with GIs as

meriting, sometimes by right, both consumer recognition and higher prices, this clearly cannot simply be decreed. Instead, within each AOC region, AOC or *vin de pays* zone, the classical strategy to achieve this goal considers that discipline needs to be instilled for production and processing, and this before engaging in collective marketing and promotion. In short, not only do time, energy and money need to be invested, but sanctions must be placed on those who, through failing to discipline themselves, are seen as discrediting and damaging the collective brand.

In *Spain* the dominant representation of this issue area is that they had already put their house in order first through their system of: (...) DOPs (*Denominación de origen protegida*), (...) (introduced in the 1930s and extensively used in the Rioja in the 1980s and 1990s) and second through the category *vinos de la tierra* (as of 2003). Indeed, over the last 8 years the latter has been used in Castilla–La Mancha in particular so as to differentiate and add value to its wines.

By contrast, in *Romania* this part of the CMO reform is frequently seen in a positive light. This is because it appears to have given more room for the equivalents of *Vins de pays* to develop, particularly for the country's internal market:

AOCs involve extra controls, so higher costs that impact on prices. In our country price is the key factor for consumers, particularly since the latest crisis (...). Most companies now use the *Vin de pays* category rather than the AOC. It's less constraining and the difference is not recognized. A GI and a brand provides sufficient status. It's efficient, and with that AOCs lose their efficiency.<sup>35</sup>

In *France* national measures were introduced in 2007–2008 in order to tighten the AOC certification system. But the EU scale measure nevertheless concerns Bordeaux in particular because, as one wine merchant put it in an interview:

Over the last 20 years production has increased. Produce, produce, produce. But with irregular qualities. Consequently products with the same name can be found with prices that can vary from up to 10 times (...) The consumer is lost. Then there are overlaps between AOCs as today some Bordeaux are better than some Médocs. It's crazy. The French consumer is lost, so you can imagine what it's like for foreigners...<sup>36</sup>

Nevertheless, nearly all producers still cling to the AOC category. Asked whether there is internal debate over this issue, one director of a cooperative replied that this was a question that was raised. However, he went on: 'it's a question of pride, we would be renouncing being a member of the most noble category of wines'.<sup>37</sup>



In concluding on this point, the first word that comes to mind is ‘uncertainty’. Has this policy change simplified the structuring and presentation of European wines? More fundamentally, has it resegmented markets? For the moment, and notably because of the blind faith that for so long has been invested in AOCs as a category, one can be sceptical on both counts. Indeed, as with the issue of oenological practices, a paradox seems to mark this subject area: the CMO’s reform aimed at resegmenting European wine, but it has only had effects when it has provoked localized forms of politicization and conflict leading to institutionalized change.

## Conclusions

It would obviously be hasty to draw firm conclusions about a policy reform that is still being implemented. Nonetheless, three general lessons can be drawn from our analysis.

The first concerns the diversity of representations, actions and practices that have been inspired by the reform and, thus, the causes of differentiated institutionalization. It is hardly surprising that in different vineyards the EU’s attempt at policy change has produced different reactions. However, this degree of difference is also to be found between the various parts of the reform and within vineyards and even professions. In concluding that comparable variations in social learning should be analysed around state-society relations, Peter Hall rightly cautioned ‘against positing too rigid a distinction between the state and society and against an insistence on the autonomy of the state’ (1993, p. 292). However, the dimension of scale also needs building into such analysis, and not only because in this case an EU scale has been heavily involved.

Indeed, this point also has theoretical relevance given that we have found that the principal causes of differentiated institutionalization can be traced to the varying types of legitimation and conflict that have been sparked around different dimensions of the CMO’s reform. Compare the intensity of the evocation of values over plantation rights in the Bordelais, for example, with that of the distribution of subsidies for grubbing out vines in Spain. Moreover, even when a particular policy instrument appears to have engendered political work throughout the EU (for example, over oenological practices), the content and objective of such activity has generally been quite different. This point is important to our particular brand of constructivist institutionalism because it provides analytical purchase on the level of reinstitutionalization that the CMO’s reform has engendered. More precisely, considering as we do that full institutionalization only takes place after conflicts and/or debates over values that permit legitimation of change or reproduction (Lagroye, 1985), our case

studies confirm the theoretical and empirical validity of studying legitimation within institutionalism. Indeed, we consider that studying policy implementation in this way adds theoretical value to existing work by constructivists such as Colin Hay (2006) who study ‘post-formative’ institutionalization.

Our final conclusion concerns the extent to which such a framework enables one to ascertain whether the European wine industry is governed today at the scale of the EU. In previous research on the period before the 2008 reform, we argued that an EU government (that is, a set of institutions established at, and applying across, the EU scale) affected only table wines and specific issues such as oenological practices (Smith *et al*, 2007). Moreover, this form of EU government had always been dominated by growers to such an extent that merchants and Commission representatives were largely sidelined. What is already clear from our research is that neither of these findings hold true any more. Despite the resistance it has encountered, merchants have gained legitimacy in and access to this new version of EU government to the detriment of growers. More fundamentally still, the 2008 reform has meant that there is now EU government of all categories of wine, and that a wider range of issue areas are now partially regulated at this scale. This certainly does not imply that national and regional scales have been replaced. But it does mean that the EU-wide scale is interwoven much deeper into the government of the industry as a whole. Indeed, given that this interweaving is precisely what we consider research on the institutionalization of the EU should be examining and comparing, this article is ultimately a proposition on how that analytical challenge can best be tackled.

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## Notes

1 For details on the reform, its genesis and its negotiation, see Roger (2010).

2 In addition to a similar campaign conducted in Brussels (15 interviews), to date a series of in-depth interviews have been conducted with relevant public officials, interest groups and firm representatives and 'experts' in France (20 interviews), Spain (11) and Romania (14). These national vineyards have been selected using both the principle of 'smallest difference' (Sartori, 1991) and the criteria of historical consolidation, that is, the objective of comparison is to grasp the differences in implementing the CMO reform in a case where it challenges forms of regulation and legitimation that are firmly anchored in history (France), another in which the sector is being restructured and has yet to stabilize (Romania) and an intermediary case (Spain). In France, institutionalized rules and practices dating from the beginning of the twentieth century gave considerable power to producer representatives and were largely transposed to the EU scale as of the 1960s (Smith *et al.*, 2007). In Romania the decollectivization policies of 1991-2000 preceded this country's accession to the EU in 2007. However, European funding already had considerable impact on infra-national distributions of power (Roger, 2012). In Spain, European accession in 1986 also had considerable effects, but these have never been dominated by one category of actor. Meanwhile, the principle of smallest difference has led us to compare more specifically economic spaces with equivalent volumes of annual production: Aquitaine (5.5 million hectolitres), La Rioja (5.7 million) and Romania as a whole (6 million) because in that country wine regions are not spaces for regulation or interest representation. This research is part of a wider project on *le gouvernement européen des industries* (GEDI) financed by the French *Agence nationale de la recherche*. The other industries covered are cars, pharmaceuticals and aquaculture. We thank our GEDI colleagues, Colin Hay and CEP's referees for their comments on initial versions of this text. Xabier Itçaina also acknowledges the support of the European Commission under the Marie Curie Intra-European Fellowship.

- 3 For reasons of space, we do not analyse here the take-up of the EU's micro-economic measures (promotion and investment aids), which ostensibly aim to improve 'the competitiveness' of individual wine producers and merchants.
- 4 Confederación de cooperativas agro-alimentarias, 'Resultados del régimen de arranqué de viñedo de la actual OCM vitivinícola'. Fuente: FEGA, elaboración propia.
- 5 Interview, president of the wine committee of the COAG (Confederación de organizaciones de agricultores y ganaderos), Madrid, February 2011.
- 6 Interview with representative of a wine merchant company in Bordeaux, February 2011.
- 7 Since the reform of the CMO, Romania receives 42.1 million euros each year to cofinance its 'national envelope'. Its government is free to prioritize the measures it selects from DG AGRI's list (Article 5 of Regulation 479/2008). Thus far, it has not chosen to subsidize the grubbing out of hybrid vines, arguing in particular that the farms concerned are too small and therefore ineligible. Instead 83 per cent of the national envelope has gone to restructuration (replanting old vines of 'noble' varieties) or reconversion (replacing one noble variety with another). The rest of the envelope has been spent on measures such as harvest insurance (5 per cent) and investment aids (5 per cent), leaving only 1 per cent for promoting Romanian wines in third countries.
- 8 Interview, representative of the Organizatia Nationale Interprofesionale Vitivinicola (ONIV), August 2010.
- 9 Under its accession agreement, no new plantings were to be authorized in Romania until August 2010. Since then, the principle of liberalization has simply been applied with little or no resistance.
- 10 Interview with representative of a large French wine merchant, Bordeaux, September 2010.
- 11 This consensus may of course be misleading because it is not necessarily synonymous with unanimity: actors are often hostile to the abolition of plantation rights for very different reasons.
- 12 Interview with representative of the FEV, Madrid, February 2011.
- 13 Vitisphere.com, 24 May 2011.
- 14 Interview with president of the COAG's wine committee, Madrid, February 2011.
- 15 Interview with representative of the CCAE, February 2011.
- 16 Lamberto V. Gancia, CEEV President, CEEV press release, 10 May 2011.
- 17 Interview with representative of the Irouléguy wine cooperative, February 2011.
- 18 As recently as 1995, two-thirds of Spanish wine was white and one-third red, and this despite consumption patterns being almost exactly the opposite. Since then the amount of red has increased and that of white has decreased, but the continuing existence of distillation subsidies has often been blamed for slowing the latter trend.
- 19 Interview COAG, Madrid, February 2011.
- 20 Interview CCAE, Madrid, February 2011.
- 21 Interview, Madrid, February 2011.
- 22 Notably over the definition of rosé wine in 2008 in the south of France. For analysis of this episode, see the annual report of the FEV (2009, pp. 37–39).
- 23 Interview, Spanish Ministry of Environment, Rural and Marine affairs, Madrid, February 2011.
- 24 Interview, wine merchant interest group, Bordeaux, April 2010.
- 25 Interview, director of a wine merchant company, Bordeaux, February 2011.
- 26 That is, the national equivalents of the latter two.
- 27 In the previous system, AOCs had to correspond to precise areas ('*terroirs*') and product specifications. *Vins de table* (VDT) on the other hand were to be sold with labels that did not mention the varieties used and the year or area of production. In the 1970s a third category was added – *Vins de Pays* (VDP) – where varieties, years and 'terroir' could all be mentioned.



However, and contrary to expectation, a pyramid-type logic did not result: many VDPs came to be sold for higher prices than some AOCs. The 2008 reform thus sought to group AOCs and VDPs together under the term ‘wine with geographical indications (GIs)’, while allowing the labels of a new category of ‘wine without GIs’ to feature varietals, places of origin and years of production. Moreover, wine from this category has no limits set on the intensity of its production, can be mixed with other wines and can even be partially de-alcoholized.

- 28 In Romania, there are 402 referenced wines. Eleven are ‘wine without GIs’ (*vinuri de masă – VM*), 42 are ‘superior’ (*vinuri superioare – VS*), while there are 349 AOCs (*Denumiri de origine controlată – DOC*). However, the latter concern only 15 493 ha (8 per cent of the national wine area). Moreover, these are rarely exported and the category is not a major selling point for the internal market. Here the importance of historical sedimentation is an important explanation of variation (see note 2).
- 29 ‘Bruselas ignora los planes del Gobierno español de resucitar “Viñedos de España”’, *Lo mejor del vino de Rioja*, 24 July 2009.
- 30 ‘Bruselas insta a modificar ‘Viñedos de España’. La resolución llega tras un recurso presentado por el Gobierno de la Rioja’, *Navactiva.com*, 12 May 2010.
- 31 Logroño, July 2011.
- 32 Interview, Madrid, February 2011.
- 33 Interview, director of wine merchant company, Bordeaux, February 2011.
- 34 Press release published in *Wine Alley*, 12 December 2011.
- 35 Interview, representative of the PNVV, March 2011.
- 36 Interview, manager of wine merchant company, Bordeaux, September 2010.
- 37 Interview, director of Irouléguys’s co-operative, February 2011.

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