

The legal concept of “cultural heritage” to transform the wine sector’s priorities

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Abstract. Following the latest OIV global report (april 26, 2024), the prevailing perception of wine consumption finds itself undergoing one of its most challenging adjustments. It’s plausible to anticipate a shift in the scope of pdo wines towards more human-centered products (Wells and Stiefel, 2019), necessitating the entire sector to adapt strategies to public interest patterns (Touzeau, 2010: 17-31). Previously, a dominant notion of cultural property underscored the value of wine regions; the primary interest revolved around estate owners and retailers, along with vigneron tales. Subsequently, since the 1990s, a patrimonial sense of heritage became intertwined with a compelling case for wine civilization, advocating the notion of terroir, cultivated predominantly in europe under PDO and GI wine identities. Geographical identities successfully steered clear of assimilating wine grapes into mere commodities. Presently, wineries are striving for differentiation, transcending mere material considerations. The terroir effect evolved from agricultural or gastronomic standards to encompass cultural and economic imperatives (Pitte, 2023: 52, 78). Local communities are increasingly inclined to perceive pdo and gi wines as a collective vehicle for cultural transmission and a symbol of inclusive identity, rather than exclusively tethered to estate or property ownership. Why? To foster regional development and promote more responsive, sustainable endeavors (Auduc, 2013: 29). Amidst consumers’ latest trend of viewing wine as a niche product, the preference for brands and retailers has continuously shifted towards seeking sensorial and distinctive experiences (Tornatore, 2019; Bromberger, 2014: 151). Small-scale vintners may appear better positioned to cater to segmented, high-end markets, thereby transforming ig wines and small producers into more resilient options (Compés et al., 2024). As wine regions refurbish themselves in terms of cultural heritage (i.e. 15 wine regions included into the world heritage register), UNESCO standards ought to aim at preserving a form of communal heritage collectively cherished (Prott and O’keefe, 1992). Consequently, the OIV seems openly poised to reallocate part of its intergovernmental prowess to offer additional incentives for winemakers to prioritize qualitative goals over quantitative ones. Recent priorities underscore landscape preservation and human-built heritage, facilitated through incentives—a balance between obligation and choice—wherein environmental preservation surpasses mere cellar conservation. Compliance with cultural contents remains discretionary for vintners, just as adherence to PDO obligations is optional (Guillard and Tricaud, 2013: 125). The objective of cooperation between the OIV and UNESCO should strive collective behaviors among producers and regulators, aligning cultural sensitivities and preservation within wine region narratives. Ultimately, communities undergo a shift in mindset, inclined towards self-recognition as custodians of their heritage, thereby curating their own practices or those of other local population segments (Hafstein and Skrydstrup, 2017: 47). By sidestepping criteria solely focused on cultural capitalization, such as strategies in North Africa to leverage world heritage city status for tourism attraction (Salazar and Zhu, 2015: 259), the discourse on wine heritage could emerge as a reconciliatory element, bridging past priorities to alleviate the global overproduction predicament. Globally, this collective shift redirects emerging countries’ wine sectors to appeal to discerning, well-informed consumers. At the local level, communities surrounding wine regions find incentives to sustain their livelihoods through the production of more valuable, qualitative offerings. The climate crisis might serve as a catalyst to prioritize a cultural approach over the prevailing dominance of productivism.

Heritage is a common-place when talking about wine. It is often, and often generically invoked, especially in marketing and tourism contexts. It is also central for Wine Law. According to Art. 2 (2) k of its founding Treaty, the OIV has the explicit mandate to “contribute to the promotion or recognition of the world vine- and wine-growing heritage”. But what is legal relevance of the notion of heritage? Where is the line between cultural heritage and commercial exploitation? And how can the notion of “heritage” help to improve the overall wine experience and tackle the challenges of tomorrow? We argue that in times of crisis, heritage is more important than ever. We must, however, disentangle its meaning from preconceived commercial and political assumptions and align it with evolving thinking about sustainability in a rapidly changing world.

1. The OIV and the UNESCO World Heritage program.

The legal concept of “world heritage” associated with viticultural regions appears to have lost momentum by 2014. Piedmont, for instance, was the eleventh and final wine region to be included in UNESCO's landscape classification program. New candidacies now face a lengthy evaluation process. During implementation, The International Committee for Monuments and Sites (ICOMOS), which operates under UNESCO, has evolved from a rather previous interest on architecture and estate to set priorities on landscape preservation and cultural standards (Ambroise, 2005: 51-56). The challenge of transforming intangible cultural patterns into effective labeling, advertising, and consumption often results in cultural standards being overshadowed by commercial objectives.

The establishment of the CEP Committee (Culture, Education, Heritage) within the OIV structure since 2023 represents a potential revival of a cultural agenda, aiming to realign OIV's intergovernmental efforts with UNESCO World Heritage criteria. This could provide an opportunity for wine regions to advance intergovernmental dialogues centered around world heritage programs. Cultural elements related to wine, as articulated in the 2003 Convention of Intangible Heritage (Limouzin, 2008: 20-24), might help turn post-COVID resilience into renewed responsibilities for wine regions and producers, and to find a better set of distinctive and objective elements be taken into consideration among consumers to approach a better perception of every wine reputation.

Further regulatory priorities may involve revisiting anthropological and cultural aspects of wine, which are now linked to the UN's “Millennium Development Goals” (MDGs), recognized by UNESCO since 2002, and the responsiveness of winemakers to these goals. In UNESCO's terms, cultural property belongs to a specific people or country. Therefore, some terminology may need to be redefined. Heritage is often perceived as a national concept, typically used to return public property, such as repatriating artifacts from national collections to their original holders. Cultural heritage, however, is considered

a universal attribute. The evolving nature of wine culture means that as global consumption declines, global profits may be driven more by private interests. This presentation aims to broaden the goals of vineyards to better engage surrounding communities and to analyze strategies adopted by wine producers, especially in light of the potential reduction in global consumption. The paper will address how regional crises among local populations, unable to transition to alternative agricultural or livelihood activities, intersect with both anthropological and economic perspectives. This discussion includes the legal adaptation of cultural heritage to the wine sector, potentially enhancing consumer attachment to PDO wines as crafted products rather than mere branding.

2. Wine as a Cultural Object? Tangible and Intangible Perspectives

The term “cultural heritage” (Frier, 1997: 134) is frequently used to build the reputation of a brand or wine region but less so to establish a common identity across different producers. In the highly competitive global wine market, efforts to build reputation and differentiation are crucial for consumers to recognize unique qualities and appreciate wine regions. This fosters trust and curiosity about what producers have to offer in a vast and complex market (Magagnoli and Meyzie, 2022: 21).

According to the latest OIV global report (April 26, 2024), wine consumption is undergoing one of its most significant adjustments. It is likely that PDO wines will shift towards more human-centered production (Wells and Stiefel, 2019), requiring the sector to adapt to changing public interests (Touzeau, 2010: 17-31). Previously, cultural property emphasized the value of wine regions mainly for estate owners and retailers, with a focus on vintners' stories. Since the 1990s, intangible heritage has increasingly been linked to wine civilization, advocating the concept of terroir, primarily within Europe's PDO and GI wine identities (Collin, 2020: 205). This intangible heritage emphasizes culture, gastronomy, and landscape.

As wine regions reframe themselves in terms of cultural heritage (e.g., the limited inclusion of 11 wine regions in the World Heritage register), UNESCO standards continue to recognize new categories of communal heritage (Prott and O'Keefe, 1992). Consequently, the OIV appears ready to reallocate its intergovernmental resources to offer new legal options, creating incentives for winemakers to focus on qualitative rather than quantitative goals.

Cultural heritage thus offers further incentives for revising both domestic and international regulations and practices, aligning with strategic plans addressed to public authorities (Cameron and Rössler, 2017: 270-276). These cultural priorities, contrasted with free trade or efforts to reduce global trade barriers, enhance interest in tangible and intangible heritage, potentially reorienting vintners' incentives and adding value to their wines through regional reputation and landscape preservation. Cultural heritage could help the wine sector address significant challenges such as climate change and reduced

demand. This approach is applicable to both emerging and established wine-producing countries. Marketing standards, such as the Parker rating system, also evolve; wines previously rated 90/100 now require 95/100 to achieve the same demand (**Castaing, 2013: 35**). Traditional strategies for attracting consumers through qualitative indicators—such as Parker ratings or medals from international competitions, some of which may lack credibility—seem increasingly inadequate in the face of rising global competition.

The need to update basic wine laws and intergovernmental instruments entails re-prioritizing and diversifying goals for wine producers, including those from smaller-scale and diversified wineries under origin standards. These updates will drive research and development in the wine sector for years to come (**Stoessel Ritz, 2004: 51-55**). As a result, tangible heritage, once associated with notable castles and wine-producing families, is now evolving to reflect the broader community surrounding the wine cellars. To rebuild the collective reputation of wine regions like Bordeaux, which have been significantly damaged, current strategies focus on the resurgence of terroir wines and a commitment to sustainable winemaking practices. The producers most likely to succeed are those who steer clear of greenwashing and work to address the widespread disillusionment among consumers. These producers understand the root causes of this disenchantment (Darsy, 2023: 49-81). Increasingly, innovative and authentic Bordeaux winemakers are embracing transparency, sharing straightforward and honest narratives about their work. These stories highlight ordinary people and dedicated vintners striving to express the true character of their terroirs. Some producers have even opted out of PDO/IGP standards. Now more than ever, the wine industry's value chain is focusing on the lives of individual vintners. Intangible heritage standards emphasize preserving identities, a sense of place, human knowledge, and the landscapes celebrated and defended by these distinctive wine producers.

Agricultural, oenological, environmental, and architectural practices contribute to defining the specific meaning of place, thereby enhancing identity construction. The notion of intangible heritage shapes and transforms viticultural landscapes, reflecting societal continuity and transformation (**Sautter, 1979: 40-67**). Communities identify with and appropriate what is produced in their region, linking cultural transmission from one generation to the next. Therefore, the sense of transmission is a crucial aspect in considering wine as a cultural artifact. However, from a legal perspective, how tangible should this concept be?

3. Keep it intangible: *terroir* and Quality Legal Standards.

The concept of *terroir*, which encompasses cultural and natural criteria, signifies diversity and is increasingly aligned with regional landscape preservation standards. Emphasizing *terroir* (**Bérard and Marchenay, 2008: 17-**

19) requires local producers to adhere to quality standards and environmental practices. These standards not only sustain export markets but also attract new domestic ones. Environmental regulations and water distribution patterns must support sustainable agricultural and human activities, and then, might grow accountable in each territory. Additionally, stricter collective goals may appeal to a smaller group of producers who prioritize biodiversity and environmental certifications as a sign for a better appreciation by consumers.

Vineyards are vulnerable to plant diseases; therefore, a landscape approach should include agrochemical use and other relevant factors growingly sensitive to be taken into consideration as a reason to buy or not to buy. Today, a good wine alone is insufficient to attract discerning consumers. Many winemakers are growingly turning to intangible aspects to enhance their public perception on regions and producers (**Barsalou, 2011: 38-39**).

Local landowners tend also to integrate beauty and utility into the concept of landscape fostered by their wineries, where wine quality meets environmental and communication standards. The viticultural landscape's value chain should align with economic innovation standards. Vintners seek to preserve and foster biodiversity while aiming for a broader quality perception that aligns with consumer expectations. Vines are often grown in diverse agroecosystems, which support various agricultural and eonological activities (**Cukierman et al, 2021: 77-160**). As wine production is reinvented, communities are likely to influence other agricultural producers.

Conversely, landscape experts are re-evaluating vine exploitations across regions. Balancing wine heritage with economic development requires a deeper understanding and internalization of current landscape standards.

Recent priorities emphasize landscape preservation and human-built heritage, with incentives to balance regulation and individual choice. Environmental preservation seems to take nowadays precedence over estate reputation or vintner's pedigree, with compliance to cultural content remaining discretionary for vintners, just as adherence to PDO obligations is optional (**Guillard and Tricaud, 2013: 125**). Cooperation between key participants, such as the OIV and UNESCO, should promote collective behaviors among producers and regulators, aligning cultural sensitivities with landscape preservation within predominant wine region narratives. Ultimately, communities are shifting towards self-recognition as custodians of their heritage, curating their practices and those of local populations (**Hafstein and Skrydstrup, 2017: 47**).

By avoiding criteria solely focused on cultural capitalization—such as strategies in North Africa to leverage World Heritage status for tourism attraction (**Salazar and Zhu, 2015: 259**)—the discourse on wine heritage, moving beyond superficial greenwashing messages, could serve as a unifying element. It would shift the focus from family legacies to the identity of regions and populations within viticultural ecosystems. A more

identity-centered policy could integrate a broader range of local products and stakeholders, including nearby residents and their access to fresh water. Complementary activities, such as wine tourism, local gastronomy, and nature appreciation, would form part of a complex value chain centered on cultural heritage, encompassing wine, landscape, architecture, art, and food.

4. The Evolving Perception of PDOs/GIs Compared to Consumer Rights

Until the end of the 20th century, geographical identities primarily focused on efficiency and yield optimization, often at the expense of consumer rights (**Martínez Gutiérrez, 2022: 171**), which were more likely compromised by large-scale global corporations.

The proliferation of wine regions and brands had made it, so far, difficult to ensure consumer's perception of transparency and trace wine origins. As standardized offerings became prevalent, high-end wine consumers increasingly sought a cultural dimension in wine production, valuing specificity over standardization. Previously, larger yields and mass exports led to a loss of identity for wine grapes, reducing them to commodities (**Pellechia, 2016**). Recently, wineries have sought differentiation, expanding the concept of *terroir* from agriculture and tourism to include cultural and economic imperatives (**Pitte, 2023: 52, 78**).

Local communities are increasingly recognizing PDO and GI wines as not just products but as integral components of cultural transmission and symbols of regional identity, moving beyond mere estate or brand reputation associated with well-known castles or domains, to a rather more anthropological perspective. This shift operating among the elements of the wine value chain, reflects a broader consumer awareness of regional development and a growing support for sustainable agricultural practices (**Dubois, 2013: 22; Auduc, 2013: 29**).

In line with this trend, wine consumers are increasingly viewing wine disposing of a clear identity as a niche product, with a shift in former preferences towards brands and retailers that offered a rather standardize quality; what has been added to wine equation has been distinctive and sensorial experiences (**Tornatore, 2019; Bromberger, 2014: 151**). Small-scale vintners are particularly well-positioned to meet the demands of high-end, segmented markets, transforming IG, table wines and smaller producers into more resilient players in the competitive global market. For example, we highlight how Spanish wines have successfully evolved into high-quality and premium categories as a deliberate strategy implemented by specific PDOs. (**Compés et al., 2024**).

This global shift in consumer's behavior *-less but higher quality-* is prompting wine sectors in emerging countries to cater to a more discerning and well-informed market. Locally, communities surrounding wine regions are finding new incentives to sustain their livelihoods by focusing on producing higher-value, quality offerings.

Table wines decline to a point of no return, while wine consumption habits transform regular drinkers into small scale consumers. The climate crisis may further accelerate this shift, emphasizing the importance of a cultural approach over table wine productivism.

5. Heritage, Landscapes and People

Among the externalities associated with the global decline in wine consumption, intangible heritage aspects—such as the landscape and the ecosystem surrounding vineyards—could help sustain the current paradox of increasing global revenue for the industry. This is achieved by reinforcing the trend toward consuming fewer, but higher-quality wines..

“The landscape is a part of territory as perceived by populations, whose character results from the action of natural and/or human factors and their interrelations” (Art. 1-a), European Landscape Convention, Council of Europe, no. 176, 20-10-2000, 7p. Thus, it is a “shaping of the land; which allows us to grasp it in its entirety... the land [i.e., a place] perceived from the viewpoint of a subject [...] At a time when our landscapes are threatened or abandoned [...] the value of the concept [of landscape] is not a regression”; if it allows humans to reconnect with their environment, this rejuvenation is also an opportunity for renewal. [...] For the landscape changes with every look, which offers us the chance to open up another horizon, to discover ourselves, and to invent new forms.” (**Collot, 1997: 192-193, 205**).

Certain agricultural products (such as wine) can become emblematic signs of a place, to the extent that they contribute to the reputation of a village and the development of a region. Currently, many agricultural settlements across European wine regions are at risk of imminent failure, struggling to maintain grape production, which has become a scarce economic option for local communities.

Transitioning to other crops, such as olives, within such a short timeframe might exacerbate the agricultural crisis, given the limited capacity to respond effectively under existing legal and institutional frameworks. The EU's Common Agricultural Policy (CAP) appears ill-equipped to address potential emergencies in multiple wine regions swiftly. Similarly, state and federal agencies in the USA are also struggling to address the foreseeable economic impacts on grape growers.

Thus, a coordinated effort between UNESCO and the OIV could provide more effective guidelines that could be adapted by wine-producing countries on various scales. As part of heritage preservation, the former commercial and agricultural success of affordable wines—produced through high yields and significant use of agrochemicals—may no longer be associated with the localities and environments where this agro-industrial production once thrived. (**Schmitz, 2017: 58-60**). This sense of place, part of a topophilia, creates collective attachments; a dependence (on its products); a collective identity that manifests through recognition and reputation; “to be

human, one needs places” (**id.**, 64). Such a distinction of what constitutes a Landscape (or even a “landscape unit”) therefore falls under subjectivity; a (deliberate) quest for coherence and continuity, which leads to a more accurate perception of places that are strategically dedicated to growing vineyards.

But the other extreme of scientific objectivity (such as for what pretends to be the expression of zoning techniques in a sense of a clear delimitation of regions and *terroirs*) might also represent a weak solution to identify places to grow vines.

Zoning techniques understand space as an organized reality separate from us; yet connected through our uses and perceptions, carving out reality to the level of those who live in this space. Contrary to the apparent scientific nature of zoning, landscape perception allows for adjustments to boundaries and acknowledges their certain depth, avoiding being confined to specific contours.

“Questioning the landscape in terms of its temporalities requires looking beyond its apparent stability to see it in movement” (**Davodeau, 2023: 34-36**). Given that the notion of landscape cannot be reduced to a purely scientific approach, as a landscape cannot be limited to an ecosystem, the geographical landscape space thus involves human participation in its evolution.

The need to protect the agricultural sector involves various actors and sectors within each of them. In the wine sector, numerous components (agronomic, oenological, and commercial) gain significance because the territory and its integrity are included, given the correlation that must be maintained between product quality and environmental identity (**Fein, 2007: 81**).

Such a human and evolving perception of culture as a manner a legal heritage built under variable geometry, gains additional meaning in times of climate change, involve human factors and do not leave the future solely to the guarantee of the place's typicity or the reflection of geographical elements in the product. The result is not a fortuitous consequence of being produced in a specific place.

As a result, the sense of place linked to landscape and viticultural heritage could be attributed to specific winemakers, but in a cultural context—similar to how the concept of *terroir* has been developed by integrating human responsibility into the sense of place for wine and food products. This reasoning could prompt the wine sector to question whether UNESCO should lift restrictions on including additional wine regions in the viticultural landscape heritage register due to concerns about commercial misuse.

6. Conclusive remarks—Heritage and the Future: The Sustainability Transformation of the Wine sector

Most of the wine world, especially Europe, is currently experiencing a profound crisis. Climate change is putting in question “typical” wine styles and aroma profiles,

including in some of the most famous wine regions. It thus challenges the very idea of GI protection (**Clark and Kerr, 2017**). Profound changes in consumer behavior and demographics lead to a rapidly falling demand. In its most recent “Prospects of the EU Wine Sector”, the EU Wine Observatory speaks of a “*long-term de-consumption trend*” (still unpublished).

At first sight, heritage may seem under threat, when fine “Clarets” appear in the discount shelves of hypermarkets, when the new “Champagne” is claimed to lie in Southern England or when European governments spend 100s of millions in subsidies for permanently clearing up vineyards.

But should this really be a cause for concern about the future? Moments of crisis challenge us to reconsider preconceived notions and assumptions and see through the underlying interests. Was heritage better “preserved” when GI protection created economic miracles at the prize of environmental degradation and industrialization? (**Ponte 2021**).

Legal scholars should be wary of a notion of heritage that supports narrow and individual commercial and/or political agendas. As Floris de Witte eloquently put it: “*Heritage is, in the simplest of terms, not something of or even about the past. It consists of the selective and deliberate use of the past in order to create a particular image and vision of the present or the future. It is a term that is inherently disputed, wherein its authority is inextricably linked with ‘truth claims’ towards authenticity of the past but wherein, simultaneously, those truth claims are continuously reconstructed and reconfigured in order to ‘fit’ with the present.*” (**De Witte 2022**)

The debate over the appropriate application of ICOMOS criteria, which are primarily cultural, should be revisited. If only responsible producers adhere to heritage principles in their winemaking (reflecting both tangible and intangible standards related to the surrounding ecosystem), current heritage indicators on bottles could eventually be recognized as genuine, non-commercial markers for wine consumers.

Heritage protection is not about petrifying specific production patterns works for the short-term interests of certain actors. It is about creating an enabling framework that allows for the continuation and constant development of wine production at a given location and globally (**Reinhardt et al. 2024**). Such an understanding aligns with a dynamic vision of sustainability that is increasingly integrated in GI regulation (**Reinhardt and Ambrogio, 2023**). Indeed, given the increasing ecological, economic and social challenges, the wine sector may be a pioneer in adopting a post-growth mindset, that builds on Sufficiency, Regeneration, Commons and Care rather than Efficiency, Extraction, Accumulation and Control (**McGreevy et al., 2022**)

Wine history is ancient, but the organized production of quality wine is much shorter than marketing makes us believe. Wine law has a lot to do with it (**Vaquero Piñeiro et al, 2022**). A serious debate on heritage can help to

prepare for the sector for the times ahead and actualize shared values.

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