

Legal and economic evolution of the Japanese wine industry in the 21st century

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Abstract. The Japanese wine industry, traditionally subjected to stringent regulations focused primarily on taxation since the 19th century, encounters unprecedented challenges and opportunities in the 21st century. This study delves into the effects of international standards and relations with the European Union (EU) and the International Organisation of Vine and Wine (OIV) on the Japanese wine industry. It explores how adjustments to trends of globalisation, liberalisation, and valorisation are transforming legal and administrative controls, aiming not only at quality assurance but also at safeguarding the interests of producers and consumers. From a legal perspective, we analyse the necessity of harmonising national laws with international standards to facilitate trade and enhance the reputation of Japanese wine. Economically, this research highlights new market opportunities arising from liberalisation and examines the impact of these changes on the national economy and Japan's international standing in the wine industry. This study emphasises the importance of a balanced approach between tradition and innovation for the future development of the Japanese wine industry in a globalised context.

1. Introduction

In 1924, when the OIV was created, wine was practically non-existent in the Japanese alcohol market. In Japan, traditional alcoholic beverages such as sake and shochu have long dominated the domestic market. Wine production for commercial purposes began in the late 19th century, but it was not until about a century later that wine consumption among the general public became widespread.

A century ago, and still today, the Japanese alcohol market is controlled by the Ministry of Finance (MOF) and the National Tax Agency (NTA), with liquor tax being an important source of national revenue. However, the role of liquor tax in national tax revenues is fundamentally different today than it was a century ago. Since the Meiji Restoration, the Japanese Empire has been expanding its military power and has repeatedly increased liquor tax to finance this expansion, and at times one-third of national tax revenue was provided by liquor tax.

After World War II, Japan was demilitarised, but the liquor tax remained and the alcohol market placed under the control of the NTA. Liquor tax is no longer an instrument of imperialism and militarism, and today accounts for only 3% of national tax revenues.

When comparing the Japanese wine market in 1924 with that in 2024, the nature of the evolution is obviously more significant than the developments experienced by major OIV Member States over the past century. Although Japan is not yet an official member, this study will analyse the evolution experienced by the Japanese wine market over the last 100 years from both a legal and an economic perspective, with the hopes of joining the OIV in the future.

2. Japanese alcohol market when the OIV was created

Grape cultivation is said to have been practised for more than 1000 years in Japan, however the practice of fermenting grapes into wine did not arise until the influx of wine culture from abroad. In the late 19th century, attempts were made to make winemaking as a national industry, but in addition to phylloxera damage, it was considered unsuitable for the traditional Japanese food culture, and consumption did not spread among the general population as it did for beer [1].

The government of the time intended to increase state revenues by imposing heavy taxes on liquor products to finance military spending, and to this day, in the 21st

century, the Ministry of Finance and the National Tax Agency continue to control the liquor products market in Japan. Due to the necessity to force consumers to purchase taxed liquor products, the production of alcoholic beverages for self-consumption purposes is also prohibited and its regulation is also still in existence. In contrast to Japan, in South Korea, which was a Japanese colony when the OIV was created, the production of liquor for self-consumption is now legal.

Of course, a geographical indication system did not exist in Japan 100 years ago, and producers did not raise their voices for the protection of designations of origin. However, references to the alcohol market in the first half of the 20th century, or even earlier, can be found in some product specifications of liquor products that are designated as Geographical Indications today.

2.1. Some historical descriptions in product specification of liquor products

In designating a GI, the NTA requires that the link between a liquor product and its place of origin be explained. Some product specifications of liquor products explain the link by means of a historical description.

The product specification of "Saga", one of the recently designated GI for Sake, refer to a history dating back to the 12th century. Sake, or Seishu, produced from rice, has long been the most popular liquor product in Japan where rice is a staple food. Rice, the raw material for Sake, had a value comparable to money, and therefore liquor product was not exempt from control by the public authority. The product specification of GI "Nihonshu / Japanese Sake" adequately explains this. The importance of the liquor industry in the local economy is also stated in the product specification of "Saga".

The share of Sake in the total alcoholic beverages consumed in Japan has decreased significantly compared to 100 years ago. That is why today the government encourages the export of Sake and expects producers to make maximum use of geographical indications.

2.2. Origins of wine production as described in product specifications

In Yamanashi Prefecture, the first wine-producing region in Japan to be designated as a GI, viticulture and wine production were regarded as key industries in the region from early on. According to its product specification, the production of Yamanashi wine is said to have started around 1870, but at the time, most of the cultivated grapes were consumed as table grapes and only the surplus were used to produce wine. Improvements in grape cultivation techniques, increased production volume of wines, advancement of fermentation techniques have created a virtuous cycle to contribute to the economic developments in the region. Since the 19th century, the government, the Yamanashi prefectural office and municipalities have provided various aids to wine industries, including lawful services, financial support and research development to improve grape varieties.

Yamagata Prefecture is now one of the wine-growing regions designated as a GI, however, according to its product specification, "winemaking in the geographical origin started around the end of the 19th century as small production of sweet fruit liquors for medical use, but the production was not expanded due to the damage caused by phylloxera".

It may appear a little surprising to Japanese consumers - and, of course, to foreign consumers as well - that Osaka has been designated as a GI for its wine-growing region. In fact, Osaka's wine industry started in grape-growing areas adjacent to the metropolis. Its product specification suggests that "nursery plants of the Koshu grape were planted in Katashimo-mura (Katashimo, Kashiwara-shi, Osaka) around 1880; as a result, the growing of table grapes became popular as an industry replacing the cotton production, which was declining at that time, and the number of grape growers increased". From the early 20th century, grape growing was established in the region with the introduction of the Delaware grape in 1914, and around 1930, the region became one of the largest grape growing areas in Japan. In the process of development, orchards established a real winery for the first time in 1914 to utilize non-standard table grapes and winemaking has been conducted by using table grapes such as Koshu and Delaware.

It can easily be assumed that the quality of wine produced in Japan when the OIV began its activities was far below that produced in major OIV member states. Unexpectedly, during World War II, winemaking was encouraged by the government, not for drinking purposes, but for military use of the tartaric acid obtained in the winemaking process. In any case, different from countries such as France, which had introduced an appellation of origin system from the first half of the 20th century, wine was not a core industry in Japan at the time and it was not considered important to protect producers and consumers through legal instruments.

3. Evolution of the legal framework in the 21st Century favourable to quality assurance and consumer protection

In the 21st century, wine is no longer just a source of tax revenue for the Ministry of Finance and the National Tax Agency. Exposed to the challenges of a declining population and competition from imported wines in the domestic market, it is seen as the NTA's responsibility to protect the interests of consumers, while at the same time promoting improved wine quality and supporting the Japanese wine industry.

Looking back at the first quarter of the 21st century, three matters of particular importance in the legal dimension are probably the implementation of legally binding labelling rules, the generalisation of the GI system and the adoption of global standards, greatly influenced by the EU-Japan Economic Partnership Agreement (EPA).

3.1. Implementation of Labelling rules

The implications of wine labelling in Japan a century ago would have been completely different from those of today. The domestic market was primitive at the time and presumably neither the name of region nor the name of grape variety was of any importance. It is likely that wine trademarks were as important as beer.

In the last quarter of the 20th century, some Japanese consumers began to recognise that the quality of wine is related to the region and grape variety rather than to the trademark. However, even at the start of the 21st century, there were no legally binding rules governing geographical name, grape variety or harvested year, with only voluntary standards set by wine industry associations providing rules for labelling [2, 3]. It was exactly 10 years ago that the NTA began work on establishing labelling rules that would apply to all wine producers in Japan [4, 5].

In 2015, the NTA established the rule including the definition of Japan Wine, "Standard for Wine Production Process and Quality Indication", in order to enable consumers to select products that they want and to promote wine made exclusively from domestic grapes.

According to the standard, only wine made exclusively from Japanese grape can be called and labelled "Japan Wine", having right to indicate name of origin, harvested year and grape variety on the front label. Wine using imported ingredients should indicate references such as "concentrated juice used" or "imported wine used" on the front label.

This standard based on the Article 86-6 of the Act on Securing of Liquor Tax and on Liquor Business Associations, also provide for penalties for producers who do not comply with the labelling rule. The standard, published in 2015 and fully implemented from 2018, has brought significant changes to the Japanese wine industry.

Wines that used imported ingredients but were labelled with Japanese geographical names have disappeared from the domestic market. The standard accelerated the increase in the number of wineries in Japan, providing a new category for consumers and contributing to the export of Japanese wines.

As already pointed out, the new standard imposes strict rules on the labelling of geographical names. To indicate a place of winemaking (e.g. "Kyoto Wine"), at least 85% of the grapes used for making the wine must be from that region and the vinification process must occur in that region. This rule is quite strict considering the reality of wine production in Japan, since grape harvesting and vinification do not usually take place in the same municipality or the same prefecture. However, the standard allows, exceptionally for single varietal wines, the labelling of the geographical name in combination with the name of the variety, such as "Yoichi Pinot Noir", irrespective of where the wine was made.

Meanwhile, the standard had another interesting effect; several producers have started to build wineries close to their grape harvest areas. In case of Mercian Co., which

has some iconic wines such as Kikyogahara Merlot, Mariko Omnis or Hokushin Chardonnay, the company opened two new wineries in Nagano Prefecture: Kikyogahara Winery (Siojiri City) in 2018 and Mariko Winery (Ueda City) in 2019.

3.2. Ensuring quality through the GI system

Even if labelling rule could contribute to the adequate indication of the origins of the wine, it cannot be a guarantee of its quality. It is the GI system that can guarantee the quality of wine.

For a long time, Japan did not have a legal system to protect designations of origin or geographical indications. In some cases, the names of famous foreign wine-growing regions were used as product names, as in the case of "Akadama Port Wine", which began to be sold in 1907. This product was not produced conforming to the product specification of Port Wine, thus since 1973 the trade name has been changed to "Akadama Sweet Wine", which is still sold today. A similar example can be found in "Soft Champagne", a sparkling drink made in imitation of Champagne brought to Japan by the US military after World War II. Its trade name was also obviously an infringement of designation of origin, thus the name was changed to "Chan Mery" in 1973.

The GI system came into general practice in Japan only about a decade ago, but that does not mean that there were no geographical names in Japan that should be protected. While Kobe Beef has gained worldwide reputation, there were instances of it being used as a generic noun in other countries. Likewise, Japanese Whisky is highly popular worldwide, but products not distilled in Japan are distributed abroad under that name.

As of June 2024, the Commissioner of the NTA had designated 27 regions, including five wine regions, as GIs for liquor products. Yamanashi, Yamagata and Nagano are GIs for wine, as well as for Sake.

The implications of the GI designations of Yamagata, Osaka and Nagano in 2021, in addition to the previous GIs of Yamanashi and Hokkaido for wine, are significant, since these five regions cover most of the major wine-growing regions in Japan. If the GI system is properly implemented, it could contribute to improving the quality of wines from these regions and, indeed, the quality of Japan Wine as a whole.

However, there are a number of challenges in the current implementation of the GIs. The designation of GIs by the Commissioner of the NTA requires a consensus of producers, which makes it not easy to set strict product specifications and delineate limited production areas. Compared to the product specifications of the EU wine-producing countries, Japanese GIs have a much higher number of permitted grape varieties (see Table 1) and do not restrict yields.

Table 1. Grape varieties listed in product specifications.

GI	Vitis vinifera varieties	Other varieties
Yamanashi 山梨	Chardonnay, Semillon, Sauvignon Blanc, Pinot Blanc, Merlot, Cabernet Sauvignon, Syrah, Cabernet Franc, Pinot Noir, Petit Verdot, Chenin Blanc, Pinot Gris, Viognier, Schönberger, Riesling, Gewürztraminer, Muscadet, Cinsaut, Tempranillo, Malbec, Tannat, Albariño, Sangiovese, Nebbiolo, Barbera, Pinot Meunier, Zinfandel, Zweigeltrebe, Grenache, Carménère, Petit Manseng	Koshu, Muscat Bailey A, Black Queen, Bailey Alicante A, Delaware, Kai Noir, Kai Blanc, Sun-Semillon, Harmo Noir, Bijou Noir, Monde Briller
Hokkaido 北海道	Muller Thurgau, Kerner, Bacchus, Perle, Gewürztraminer, Riesling, Morio-Muscat, Siegerrebe, Irsai Olivér, Chardonnay, Sauvignon Blanc, Pinot Blanc (Weißer Burgunder), Pinot Gris, Muscat (Muscat Ottonel), Auxerrois, Muskateller, Zweigelt, Lemberger, Trollinger, Dornfelder, Pinot-Noir (Spätburgunder), Merlot, Cabernet Sauvignon, Harmo Noir, Cabernet Franc, Cabernet Cubin, Cabernet Mitos, Cabernet Dorsa, Acolon, Palas	Niagara, Portland, Delaware, Tabiji, Campbell Early, New York Muscat, Concord, Red Niagara Himaraya, Amurensis, Coignetiae Seibel 9110, Seibel 5279, Seibel 10076, Seibel 13053, Kiyomi, Furano No.2, Kiyomai, Yamasachi, Hybrid of Kiyomi and Amurensis, Yama Sauvignon, Yama Fredonia, Zalagyongye, Rondo, Regent, Muscat Hamburg-Amurensis (Hokujun), Iwamatsu No.5
Yamagata 山形	Muller Thurgau, Kerner, Riesling, Chardonnay, Cortese, Gewürztraminer, Albariño, Petit Manseng, Viognier, Sauvignon blanc, Pinot Blanc, Pinot Gris, Chasselas, Zweigelt-Rebe, Pinot Noir, Pinot Meunier, Merlot, Syrah, Cabernet Sauvignon, Cabernet Franc, Petit Verdot, Malbec, Gamay, Nebbiolo, Tannat	Delaware, Niagara, Campbell Early, Concord, Steuben Muscat Bailey A, Black Queen, Bailey Alicante B, Bijou Noir, Koshu, Pione, Yama Sauvignon, Hokujun, Harmo Noir, Riesling Lion, Riesling Forte, Seibel 9110, Shine Muscat, Mondo Briller, Himalaya, Shokoshi, Black Pegal, Wine Grand, Vitis coignetiae (Coignetiae, Amurensis), Neo Muscat
Osaka 大阪	Chardonnay, Riesling, Sauvignon blanc, Syrah, Chenin blanc,	Harmo Noir, Osaka R N-1, Campbell Early, Niagara, Neo

	Pinot Noir, Merlot, Cabernet Sauvignon, Petit Verdot, Tannat, Albariño, Sangiovese, Barbera, Grenache, Petit Manseng, Cabernet Franc, Regent, Bacchus, Kerner, Tempranillo	Muscat, Bailey Alicante B, Black Queen, Yama Sauvignon, Bijou Noir, Fuji No Yume, Mondo Briller
Nagano 長野	Merlot, Chardonnay, Cabernet Sauvignon, Pinot Noir, Kerner, Sauvignon blanc, Pinot Blanc, Cabernet Franc, Semillon, Muller Thurgau, Sangiovese, Syrah, Viognier, Barbera, Pinot Gris, Gewürztraminer, Riesling, Bacchus, Malbec, Petit Verdot, Tannat, Petit Manseng, Albarino, Marselan, Chenin blanc, Schonburger, Zala Gyongye, Zweigelt-Rebe, Dornfelder	Seibel 13053, Seibel 9110, Delaware, Concord, Niagara, Asama Merlot, Sun Semillon, Shinano Riesling, Chardonnay de Corail, Muscat Bailey A, Black Queen, Shokoshi, Yama Sauvignon, Ryugan, Koshu, Wine Grand, Kokuho 3-go, White Pegal, Black Pegal, Vitis coignetiae other than grapes listed above (Amurensis, Coignetiae, etc.), Kyoho

In Japan, non-GI geographical names can be labelled as long as they conform to the labelling standard mentioned above. Hence, there is a problem that it is difficult to differentiate GI wines from non-GI wines, and producers are often heard to say that they do not see the benefits of GI. In addition, in Japan, it is mandatory to conduct sensory tests before shipment, which may be an obstacle for producers.

However, Japanese wine producers are aware of the importance of GIs in overseas markets. If, like Japanese Sake, Japan Wine itself were to be designated as a GI in the future, this could contribute to improving the quality of Japan Wine as a whole. The same should be true for Japanese Whisky, which is still not designated as a GI.

3.3. Harmonisation of standards through the EU-Japan EPA

Japan is not yet an OIV member state, but as a major wine consumer and producer, it is not immune to harmonisation of standards in the 21st century. Harmonisation of standards in Japan has undoubtedly been accelerated by the EU-Japan Economic Partnership Agreement entered into force on 1 February 2019 [4, 5].

The EU-Japan EPA established a three-phase procedure for the authorisation of oenological practices. The phase one was set to begin with the entry into force of the Agreement in February 2019. Article 2.25 of the Agreement stipulates that "from the date of entry into force of this Agreement, Japan shall authorise the importation and sale of wine products for human consumption in Japan originating in the European Union and produced in accordance with: (a) product definitions and oenological practices authorised and restrictions applied in the

European Union as referred to in Section A of Part 1 of Annex 2-E provided that they comply with product definitions and oenological practices and restrictions as referred to in Section A of Part 2 of Annex 2-E; and (b) the oenological practices as referred to in Section B of Part 1 of Annex 2-E". The oenological practices in the EU for phase one referred to in Article 2.25 comprise Calcium alginate, Caramel, L(+) tartaric acid etc.

As regards the phase two, Article 2.26 provides that "Japan shall expeditiously take necessary steps with a view to authorising the oenological practices as referred to in Section C of Part 1 of Annex 2-E and notify the European Union that its procedures for that authorisation have been completed". The oenological practices for phase two include Ammonium bisulphite, Dimethyldicarbonate (DMDC), Metatartaric acid etc.

Finally, as the phase three, Article 2.27 sets out that "Japan shall take necessary steps with a view to authorising the oenological practices as referred to in Section D of Part 1 of Annex 2-E and notify the European Union that its procedures for that authorisation have been completed". The oenological practices for phase three contain Argon, Calcium phytate, Calcium tartrate, Copper sulphate, Kaolin and so on.

By 2023, all procedures up to the phase three have been completed, resulting in harmonisation of standards between Japan and the EU.

The EU-Japan EPA also contributed to the facilitation of Japan Wine exports by authorising "the importation and sale of wine products for human consumption in the European Union originating in Japan and produced in accordance with: (a) product definitions and oenological practices authorised and restrictions applied in Japan for the sale of Japan wine" and "(b) the oenological practices as referred to in Section B of Part 2 of Annex 2-E" (Article 2.25). The latter include oenological practices in Japan such as enrichment, acidification, de-acidification, grape variety, alcoholic strength, total acidity content, volatile acidity content and finalising practice.

Moreover, the EU-Japan EPA introduced self-certification procedures for producers of Japan Wine. Article 2.28, paragraph 1 of the Agreement stipulates that "a certificate authenticated in conformity with the laws and regulations of Japan, including a self-certificate established by a producer authorised by the competent authority of Japan, shall suffice as documentation serving as evidence that the requirements for the importation and sale in the European Union of wine products originating in Japan".

When the OIV was created, it would have been unthinkable for Japanese wine products to be exported to European countries. But the EU-Japan EPA has provided the conditions for this, and Japan Wine may be distributed in the EU as a matter of course, just like Japanese Sake and Whisky in the following century.

4. Challenges of the Japanese wine market for the next century

4.1. Positive effects of legal evolution, harmonisation and liberalisation

In 2015, the establishment of the category "Japan Wine" and the rules for labelling of geographical names contributed to consumer protection and increased the interest of the Japanese population in wine. The number of wineries has increased exponentially, while local governments and municipalities have become more involved in wine tourism and support for newcomers (see Figure 1). Since the COVID-19 pandemic has subsided, local wine events have been organised in various regions, giving consumers more opportunities to enjoy local wines. Such events are spread by social networks and the media, contributing to attracting new consumers.

Many wine enthusiasts visit wine regions overnight, leading to sales not only for wineries but also for public transport, accommodation and restaurants, and non-liquor souvenir outlets. With a few exceptions, accommodation in wine-growing regions is still scarce and has great potential.

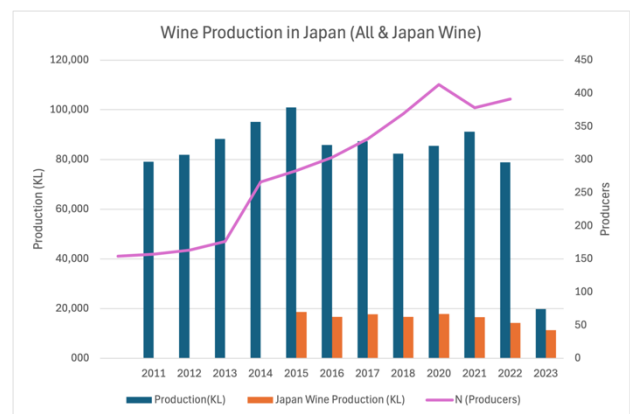


Figure 1. Domestic and "Japan" Wine Production (kl) and the Number of Wine Producers (2011-2023).

Notes: Data for 2019 is unavailable. "Japan Wine" classification started in 2015. Data source: Liquor Tax Status, National Tax Agency of Japan (2011-2023). The fiscal year refers to the accounting year (April to March).

Nowadays, the Japanese market has easy access to wines from a wide range of producing countries and regions, from Japanese wines to New World wines, from low-priced wines costing a few euros to ultra-premium wines. On the other hand, penalties for drink-driving in Japan are much stricter than in other countries, and the public transport network has been disintegrating in recent years. Given these circumstances, non-alcoholic wine has great potential in the future.

4.2. Various problems confronting the market

Indeed, the future of the Japanese wine market is by no means secure. The most important issue is the dramatically declining population, i.e. the shrinking market for alcoholic beverages. Although the consumption of wine has been on a general increasing trend since 1970, it has

been stagnating and starting to decline in the last decade (see Figure 2).

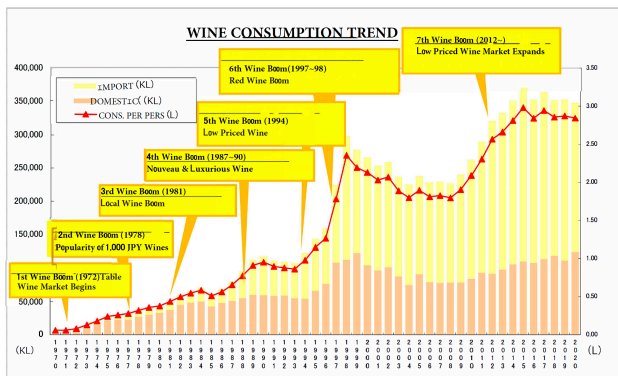


Figure 2. Wine Consumption Trend in Japan (1970-2020).

The original figure is adopted from Mercian (2020). Data Source: National Tax Agency. The composition ratio by domestic production and imports is estimated by Mercian based on the taxable quantity. The fiscal year refers to the accounting year (April to March).

While the generation that consumed large quantities of alcoholic beverages is passing away, the younger generation that reached drinking age after the COVID-19 pandemic does not have the habit of consuming wine and other alcoholic beverages on a daily basis. Figure 3 below, although data after COVID-19 is unavailable, exhibits the low drinking habit among the younger generations of age group, 20-29, and particularly a declining trend of drinking habit for the age group of 30-39.

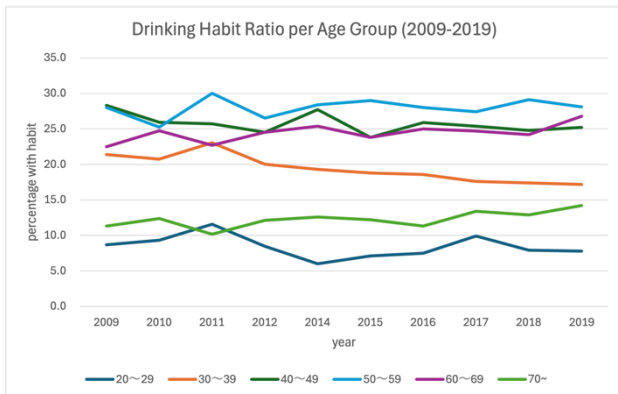


Figure 3 The Ratio of People with Drinking Habit by Age Group (2009-2019).

Data for 2013 and beyond 2019 is unavailable. The ratio shows the proportion of those who replied to have drinking habits. The number of respondents vary by year with the average of 11,055 respondents (max: 31,103 min: 5,701). Data source: Liquor Tax Status, National Tax Agency of Japan (2009-2019). The fiscal year refers to the accounting year (April to March).

Indeed, although the latest data available is for 2019, "Drinking Frequency by Age Group" for 2019 and 2009 (Figure 4-1 & 4-2) clearly show a large increase in the proportion of those who hardly/never drink across all age groups. For younger generations between the age of 20 to 29, those who rarely drink (1-3 days/month) are consistently higher compared to other age groups.

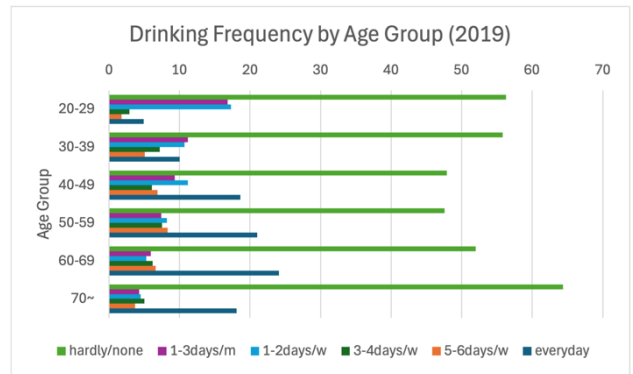
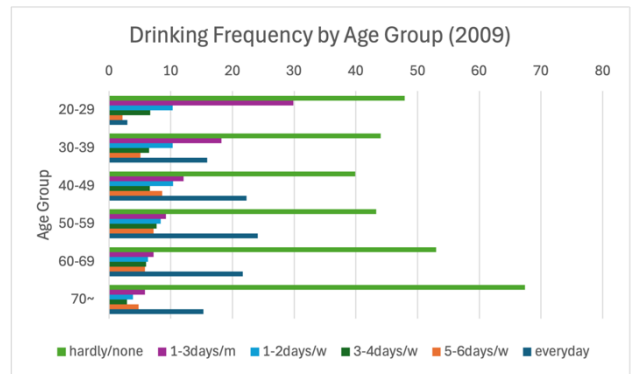


Figure 4-1 & 4-2. Drinking Frequency by Age Group (2009, 2019).

The number of respondents: N= 8,005 (female 54%) (2009) and N=5,702 (female 53%) (2019). An additional category of "cannot drink" in 2019 data are bundled to "hardly/none" category. Data source: Liquor Tax Status, National Tax Agency of Japan (2009, 2019). The fiscal year refers to the accounting year (April to March).

What the "Abenomics" in the 2010s brought about was the impoverishment of Japan's middle class and younger generations. The wine market has always been markedly polarised, but the increasing poverty of the average Japanese may have accelerated the decline in the number of people with access to the wine market. This impoverishment is undoubtedly one of the causes of the declining birth rate in Japan.

The depreciation of the yen brought about by "Abenomics" has encouraged inbound consumption, but has also kept imported wine away from Japanese consumers. The weak yen and rising prices have offset the effects of the EPA's elimination of tariffs and negatively affected Japanese wineries, which have to rely on new barrels and other vinification equipment imported from abroad.

Possible future market contractions could reduce diversity and availability in the wine market in Japan. It is essential to maintain a certain number of consumers to ensure that the Japanese wine market remains attractive.

5. Conclusions

A hundred years ago, and still today, Japan was not a member of the OIV. Certainly, compared to 1924, when the OIV was created, the quality of Japan Wine in the 21st century has improved markedly, and the wine market has expanded and sophisticated considerably. At the same time, Japan is implicitly the beneficiary of an international market for wine that has been nurtured by the OIV for a century.

It is essential to improve the quality of Japan Wine for the next century, while making appropriate use of the legal framework. However, it must be remembered that regulations or rules do not make the wine, it is people who make the wine. Japan Wine still has potential for quality improvement, but this cannot be expected without technical assistance from experts and professionals working in the OIV member states. In addition, sometimes rigorous evaluation is necessary to maintain the quality of wine.

In the next century, it is hoped that Japan, as a future member of the OIV, will contribute to developing global standards in the wine market.

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