

# BRITISH COLUMBIA WINE AUTHORITY

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## BCWA Grape Grower Registry Rules

Under the Wines of Marked Quality Regulation (the “**Regulation**”) the BC Wine Authority (the “**Authority**”) is responsible for administering BC’s Wines of Marked Quality Program and for enforcing the Regulation generally. Subsection 5(a) of the Regulation provides that the Authority may develop a registration system for BC grape growers for purposes of verifying information relating to standards under the Regulation, including the origin of grapes used by certificate holders in their production of wines qualifying as wines of distinction under the Regulation.

Pursuant to subsection 5(a) of the Regulation the Authority has established the BCWA Grape Growers Registry. The following rules apply to the operation of the Registry and to the origin and use of BC grapes produced by a grape grower and used in any wine of distinction.

### A. Definitions

In these Rules the following terms have the following meanings:

“**certificate holder**” means a winery that has been issued a practice standards certificate by the Authority under section 12 of the Regulation;

“**grape grower**” means wine grape grower located in BC and a winery producing wine grapes in BC where that winery is not a certificate holder;

“**Registry**” means the Authority’s Grape Growers Registry established under these Rules; and

“**wine of distinction**” means a wine claimed by a certificate holder to be a wine of distinction and in respect of which a wine quality certificate has been issued to a certificate holder by the Authority under the Regulation.

### B. General Rules Concerning Registration of Grape Growers

1. Under subsection 18(c) of the Regulation, in order to qualify as a wine of distinction, a wine must be produced entirely from fresh grapes, grape juice and grape must derived from grapes grown in British Columbia. Section 27 of the Regulation sets out additional rules that apply to the use of prescribed geographical indicators on any wine of distinction. In order to ensure that these and other requirements of the Regulation are met, all grapes, juice or must used in the production of a wine claimed by a certificate holder to be a wine of distinction must be produced by:

- (a) the certificate holder who produced the wine;

- (b) another certificate holder; or
  - (c) a grape grower that is registered with the Authority under these Rules.
2. Grape growers are not required to register under the Registry in order to grow wine grapes in British Columbia. However, under Rule 1 certificate holders may only obtain grapes, juice or must for use in a wine of distinction from either another certificate holder or from a grape grower that is registered with the Authority under these Rules.
  3. Any grape grower wishing to register with the Authority for any given year can do so by submitting a fully completed and signed Annual Wine Grape Grower Application for Registration on Form BCWA-WGGR-1. The application can be submitted to the Authority by mail, fax or email. For greater certainty, subject to Rule 18, a grape grower whose previous registration with the Authority has lapsed is able to re-register with the Authority under these Rules.
  4. There is no application fee to a grape grower associated with submitting an Application for Registration.
  5. The Authority will review the Application for Registration and, if the grape grower qualifies for registration and the Application for Registration is otherwise acceptable, the Authority will notify the grape grower that he/she is thereafter registered with the Authority for that vintage year by issuing to the grape grower a Confirmation of Registration, Form BCWA-WGGR-2. The Confirmation of Registration will include a registration number unique to that grape grower. This registration number must then be used by the grape grower on: (i) any further correspondence with the Authority; and (ii) on all Forms provided by that grape grower to any certificate holder to document any grape transfers occurring in that vintage year. (See Rule 9.)
  6. A new Application for Registration must be submitted by the grape grower to the Authority each year on Form BCWA-WGGR-1. For 2013 and beyond the Application must be submitted at any time before August 1 of each year. To assist in phase-in of the Registry and grape grower compliance, for any vintage prior to 2013, grape growers are permitted to submit an Application for Registration at anytime up to the date on which of transfer of ownership of any grapes, juice or must to a certificate holder occurs.

### **C. Rules Concerning Use of Grapes, Must and Juice**

7. Any grapes, juice or must used by a certificate holder not meeting the requirements of Rule 1 will not qualify as originating in BC for purposes of the Regulation. Any wine containing such grapes correspondingly cannot qualify and will not be certified by the Authority as a wine of distinction.
8. Where a certificate holder has obtained grapes, grape juice or must from any third party, section 16 of the Regulation provides that the certificate holder must obtain and retain a statement, signed by the grape grower or supplier, of the origin of the grapes, juice or must, received from the grape grower or supplier, their quantity, their variety and the location of the vineyard from which they were produced. The Authority's Form BCWA-AW-RTD must be used by the grape grower and the certificate holder for purposes of this requirement.

#### **D. Records to be Kept by Registered Grape Grower**

9. The grape grower must retain a copy of all Forms BCWA-AW-RTD issued by the grape grower to any certificate holder.

10. In addition to the requirements of Rule 9, a grape grower must keep accurate records in sufficient detail to enable an inspector of the Authority to verify all information provided to the Authority in the grape grower's Application for Registration and any BCWA-AW-RTD Forms issued by the grape grower. The Authority will work cooperatively with grape growers to assist them in developing and maintaining appropriate records. If a grape grower has any questions concerning what records are appropriate he/she is encouraged to contact the Authority.

11. Records required under Rules 9 and 10 must be kept for a period of at least five years from the time the records were initially created by the grape grower.

#### **E. Inspections**

12. By submitting an Application for Registration to the Authority the grape grower agrees to make the records required under Rules 9 and 10 available to the Authority, or to an inspector of the Authority, upon reasonable notice to the grape grower, for purposes of verifying any information provided to the Authority in the grape grower's Application for Registration and in any BCWA-AW-RTD Forms that have been issued by the grape grower.

13. Following any inspection under Rule 12, the grape grower will be provided with an inspection report which will report on the accuracy and completeness of the grape grower's records, along with recommendations or instructions, if any are necessary, concerning what actions the grape grower should or must do in order to bring the grape grower's records into compliance with these Rules. If deficiencies exist the grape grower will be given a reasonable period of time in order to correct those deficiencies before any subsequent inspection will be conducted.

14. If the grape grower disagrees with any conclusions in an inspection report issued under Rule 13, the grape grower may request that the Authority conduct a second inspection of the grape grower's records. Any such second inspection will be conducted by a different inspector. Following any second inspection the grape grower will be provided with a second inspection report.

15. If, in any inspection report issued under Rule 13 or 14, required records are determined to be missing or serious deficiencies are identified, the grape grower will be issued a warning letter, by registered mail, informing the grape grower that his/her registration may be revoked under Rules 16 and 17 if he/she fails to rectify the observed deficiencies within the time period specified in the inspection report.

#### **F. Enforcement**

16. A grape grower's registration under these Rules may be revoked by the Authority if the grape grower:

- (a) consistently refuses to make the records required to be maintained under Rules 9 and 10 reasonably available for inspection by the Authority as required under Rule 12;
- (b) consistently refuses to either maintain the records required under Rules 9 and 10, or to comply with instructions concerning such records issued by an inspector under Rules 13 or 14 within the time period specified; or
- (c) following an inspection the Authority concludes that the grape grower has intentionally provided false material information to the Authority which information has materially undermined the efficacy of the Authority's wine certification process under the Regulation.

17. In the event that the Authority proposes to revoke a registration, the grape grower will first be notified by registered mail of the Authority's proposed action. Prior to any final revocation decision the grape grower will be provided with a reasonable opportunity to meet with the Board of the Authority so as to demonstrate why revocation is not justified in the circumstances. Following that meeting, or following its decision if no meeting is requested by the grape grower, the Board will provide the grape grower with written notice of its decision regarding revocation along with written reasons.

18. If a grape grower's registration is revoked under Rule 17 the grape grower will be ineligible to apply to the Authority for any subsequent registration under these Rules for a period of time determined by the Board as part of its decision under Rule 17.

#### **G. Effective Date**

19. These Rules are effective as of March 1, 2013 and replace all previous versions of the Rules.