

FINAL ACT

The Plenipotentiaries

of THE EUROPEAN COMMUNITY,

and

of THE REPUBLIC OF SOUTH AFRICA,

meeting at Paarl on 28 January 2002 for the signature of the Agreement between the European Community and the Republic of South Africa on trade in spirits,

have adopted the Joint Declarations mentioned below and attached to this Final Act:

- Joint Declaration on the definitions referred to in Article 3,
- Joint Declaration on certification and analysis referred to in Article 12,
- Joint Declaration on bottle sizes and on the alcoholic strengths of spirits,
- Joint Declaration on the exchange of registers;

and have taken note of the Declaration mentioned below and annexed to this Final Act:

- Declaration by South Africa on the protection of country names referred to in Article 6.

Done at Paarl, 28 January 2002.

JOINT DECLARATION

on the definitions referred to in Article 3

The Contracting Parties hereby declare that the terms 'produced entirely' and 'the entire distillation and maturation process' which appear in the definitions in Article 3(a) and (i) of the Agreement do not refer to the origin of the raw materials used in the production of a spirit drink.

JOINT DECLARATION

on certification and analysis referred to in Article 12

The Contracting Parties hereby declare that the following parameters are subject to the analysis provided for under South Africa's rules on spirit import certification procedures:

1. Spirits other than those referred to points 2 and 3:
 - % of alcoholic strength by volume,
 - content of methyl alcohol per hectolitre of 100 % vol alcohol,
 - quantity of volatile substances per hectolitre of 100 % vol alcohol.
2. Blended whisky:
 - % of alcoholic strength by volume,
 - content of methyl alcohol per hectolitre of 100 % vol alcohol,
 - quantity of volatile substances per hectolitre of 100 % vol alcohol,
 - higher alcohols — amyl alcohol per hectolitre absolute alcohol.
3. Spirit based beverages:
 - 3.1. Liqueur, spirit cocktail:
 - % of alcoholic strength by volume,
 - content of methyl alcohol per hectolitre of 100 % vol alcohol,
 - residual sugar g/litre
 - 3.2. Spirit cooler:
 - % of alcoholic strength by volume,
 - content of methyl alcohol per hectolitre of 100 % vol alcohol,
 - total sulphur dioxide,
 - volatile acidity, expressed as acetic acid
 - 3.3. Cream liqueur:
 - % of alcoholic strength by volume,
 - content of methyl alcohol per hectolitre of 100 % vol alcohol,
 - residual sugar,
 - butterfat
 - 3.4. Other:
 - % of alcoholic strength by volume,
 - content of methyl alcohol per hectolitre of 100 % vol alcohol.

JOINT DECLARATION**on bottle sizes and on the alcoholic strengths of spirits**

The Contracting Parties hereby declare that bottle sizes and minimum alcoholic strengths by volume for release for human consumption of spirit drinks should not unnecessarily burden exporters in both Contracting Parties. They further declare that they will encourage further harmonisation.

JOINT DECLARATION**on the exchange of registers**

Both parties consider that the obligation stipulated in Article 5(8) of the Agreement to proceed to the examination of trade-marks before 30 September 2002 on the basis of an exchange of registers necessarily requires the European Community and South Africa to communicate the registers within a time-limit which enables Article 5(8) to be implemented.

DECLARATION BY SOUTH AFRICA**on the protection of country names referred to in Article 6**

South Africa hereby declares that it maintains its position in principle that the majority of names of Member States of the Community cannot be protected as geographical indications in terms of the TRIPs Agreement.
