

**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 wine,

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

- Joint Declaration on the production of wine from non-*Vitis vinifera* varieties,
- Joint Declaration on the partial removal of volatile acidity through reverse osmosis processes,
- Joint declaration on Community assistance for the restructuring of the South African wines and spirits sector referred to in point 6 of Annex X to the TDC Agreement,
- Joint declaration on Article 9 of the Agreement,
- Joint declaration on the exchange of registers,
- Joint declaration;

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

- Declaration by South Africa on Article 8 of the Agreement,
- Declaration by South Africa on the use of sucrose, concentrated grape must or rectified concentrated grape must referred to in Annex I, point 2(32), to the Agreement,
- Declaration by the Community on the use of sucrose, concentrated grape must or rectified concentrated grape must referred to in Annex I, point 2(32), to the Agreement,
- Declaration by the Community on the use of vine variety names for describing South African wines,
- Declaration by the Community on blended South African wines,
- Declaration by the Community on 'Retsina'.

Done at Paarl, 28 January 2002.

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**JOINT DECLARATION****on the production of wine from non-*Vitis vinifera* varieties**

The Parties agree to put on the agenda of the first meeting of the Joint Committee referred to in Article 19 of the Agreement the question of vine varieties not belonging to the species *Vitis vinifera* aimed at identifying, on the basis of objective criteria and in addition to the varieties listed in Point III to the Protocol, those varieties which are not suitable, or alternatively, suitable for the production of wine.

**JOINT DECLARATION****on the partial removal of volatile acidity through reverse osmosis processes**

South Africa agrees to use reverse osmosis based processes for the partial removal of volatile acidity only on an experimental basis until the OIV investigations in this regard have been completed and their resolutions have been published. However, the wine produced on an experimental basis shall not be exported to the Community. Thereafter, the conditions for the future use of these processes will be agreed between South Africa and the Community following the procedure laid down in Article 6 of the Agreement. Further, if the Community accepts this practice for use in producing wine in the Community, the Community is willing to include this practice in Annex I of the Agreement.

**JOINT DECLARATION****on Community assistance for the restructuring of the South African wines and spirits sector referred to in point 6 of Annex X to the TDC Agreement**

The Parties agree that the South African Department of Trade and Industry will prepare the terms of reference and request resources from the Community Delegation in Pretoria for recruiting technical assistance to formulate a programme for the use of the EUR 15 millions set aside for the restructuring of their wines and spirit industry. The financial support for an agreed programme could take the shape of a targeted sector support programme if the South African Government so wishes.

**JOINT DECLARATION****on Article 9 of the Agreement**

The Parties understand the provisions regarding Port and Sherry that the starting date of the transitional periods referred to in points 2 and 4 of the Attachment to Annex X to the TDC Agreement is 1 January 2000.

**JOINT DECLARATION****on the exchange of registers**

Both Parties consider that the obligation stipulated in Article 7(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 7(8) to be implemented.

## JOINT DECLARATION

The Parties agree to call as soon as possible a Joint Committee referred to in Article 19 of the Agreement to consider all the technical issues raised during the last rounds of negotiations for which one of the Parties has expressed some concerns, and in particular the following issues:

1. The use of non-*Vitis vinifera* varieties,
2. Sulphur dioxide limits for certain wines originating in the Community,
3. Analysis of gas pressure for sparkling and semi-sparkling (perlé) wines,
4. Rules of the description and presentation of wines,
5. Addition of concentrated grape must or rectified concentrated grape must to increase the natural alcoholic strength of grapes, grape must or wine for South African wines.
6. Partial concentration by physical processes, including reverse osmosis, to increase the natural alcoholic strength of grape must or wine for South African wines.

### DECLARATION BY SOUTH AFRICA

#### on Article 8 of the Agreement

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

### DECLARATION BY SOUTH AFRICA

#### on the use of sucrose, concentrated grape must or rectified concentrated grape must referred to in Annex I, point 2(32) to the Agreement

South Africa agrees to allow the use of sucrose, concentrated grape must or rectified concentrated grape must for Community wines marketed in South Africa in order to increase the natural alcoholic strength of grapes, grape must or wine, under the condition that these additions will only be made in terms of the Community Regulations that apply on the date of the commencement of the Agreement.

### DECLARATION BY THE COMMUNITY

#### on the use of sucrose, concentrated grape must or rectified concentrated grape must referred to in Annex I, point 2(32) to the Agreement

The Community takes note of the South African position on the use of sucrose, concentrated grape must or rectified grape must but has to reaffirm its right to amend the present system on an autonomous basis.

## DECLARATION BY THE COMMUNITY

## on the use of vine variety names for describing South African wines

The Commission of the European Community agrees to amend Annex IV to Commission Regulation (EEC) No 3201/90, not later than three months after the Agreement comes into force, to replace the vine variety names in point 1 'SOUTH AFRICA' by the following names which are currently approved in South Africa:

## NAMES OF VINE VARIETIES APPROVED IN SOUTH AFRICA

Variety name	Synonym
Auxerrois	
Barbera	
Barlinka	
Bastardo do Castello	
Bastardo do Menudo	
Bourboulenc	
Bukettraube	
Cabernet franc	
Cabernet sauvignon	
Carignan	
Carmenère	
Ceresa	
Chardonnay	
Chenel	
Chenin blanc	Steen
Cinsaut	
Cinsaut blanc	
Cinsaut gris	
Clairette blanche	
Colombar	Colombard
Colomino	
Cornifesto	
Crouchen	
Donzellinho do Castello	
Donyellinho do Gallego	
Durif	
Emerald Riesling	
Erlihane	
Fernao Pires	
Furmint	
Gamay noir	
Gewürztraminer	
Grachen	
Graciano	
Grenache	Rooi, Red Grenache
Grenache blanc	Wit, White Grenache
Harslevelü	
Henry Bouschet	
Kanaan	Belies, Canaan
Kerner	
Malbec	

Variety name	Synonym
Merlot	
Meunier	
Morio Muscat	
Mourisco tinto	
Mourvèdre	Mataro
Muller-Thurgau	
Muscat d'Alexandrie	Hanepoot
Muskadel	Muscadel
Muscat de Hambourg	
Muscat Ottonel	
Nebbiolo	
Nouvelle	
Olasz	
Palomino	
Pedro	Valse
Pedro Ximines	
Petit Verdot	Verdot
Pinotage	
Pinot blanc	Weissburgunder
Pinot gris	Pinot Grigio
Pinot noir	
Pontak	Teinturier male
Raisin Blanc	Gros vert
Roobernet	
Ruby Cabernet	
Sangiovese	
Sauvignon blanc	Fumé Blanc
Schönburger	
Semillon	Groendruif
Shiraz	Syrah
Souzão	
Sultana	Sultanina, Thompson's Seedless
Sylvaner	
Tannat	
Therona	
Tinta Amerella	
Tinta Barocca	
Tinta Francisca	
Tinta Roriz	
Touriga Francesa	
Touriga Nacional	
Ugni blanc	Trebbiano
Verdelho	
Viognier	
Weisser Riesling	Riesling
Weldra	
Zinfandel	

**DECLARATION BY THE COMMUNITY****on blended South African wines**

The Community declares that until the specific implementing rules for labelling third country wines produced by blending different geographical origins are adopted, the Community shall authorise the import and marketing of wines referred to in point II of the Protocol to the Agreement provided the term 'Mixture of wine from South Africa and other countries' appears on the main label in lettering which is clear, legible, indelible and sufficiently large and clearly distinguishable from all other writing and designs on the label.

**DECLARATION BY THE COMMUNITY****on 'Retsina'**

1. The Community considers that for the purpose of securing protection on the South African market, the importers of Community 'Retsina' in South Africa should register the name 'Retsina' as a certification trade-mark under South African law.
  2. In the light of this action, the Community will request under the appropriate procedures that 'Retsina' be included in the duty free tariff quota, which has been established on the South African market for wines originating in the EC.
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