

Protocol

THE CONTRACTING PARTIES HEREBY AGREE AS FOLLOWS:

- I. In relation to Article 2 of the Agreement, the product called "Retsina" originating in the Community and produced in accordance with the Community rules shall be regarded, for the purpose of importing and marketing in South Africa, as "grape-based alcoholic beverage" in terms of South African legislation. The normal import duties and other internal taxes applicable in South Africa on "grape-based alcoholic beverage" shall apply.
- II. Without prejudice to the definition of the term "originating" referred to in Article 3(a) of the Agreement, the Agreement also applies to wines falling under heading 2204 of the Harmonised System which are produced in South Africa from wines of different geographical origins provided that at least 85% of the grapes used to produce the wine were harvested in South Africa. The Community shall authorise the import and marketing of these wines on its territory subject to the relevant labelling rules laid down under Community legislation and in accordance with point X of the protocol.
- III. Pursuant to the definition of "vine varieties" referred to in Article 3(k) of the Agreement, the Contracting Parties agree to prohibit the import and marketing of wine obtained from the following varieties:
 - Clinton
 - Herbemont
 - Isabelle
 - Jacquez
 - Noah
 - Othello.
- IV. Pursuant to Article 4, the Contracting Parties agree, without prejudice to any more restrictive internal legislation, to allow the use of the name of a vine variety, or, where applicable, of a synonym, to describe and present a wine, even where the names of more than a single vine variety are used for the same wine, only under the following conditions:
 - (a) at least 85% of the wine shall be obtained, after deduction of the quantity of the products used for possible sweetening, from the variety quoted;
 - (b) in the case where more than one variety is quoted, the wine shall be obtained, after deduction of the quantity of the products used for possible sweetening, from these varieties provided there is a minimum of 20% of any named variety and the varieties be named in descending order of proportion;
 - (c) where the name of the variety or its synonym is composed of several words, such composite name or synonym shall be printed on the label, without the interposition of any other information, in uniform letters of the same size on one or more lines;
 - (d) the name shall not be used in such a manner as to mislead consumers on the origin of the wine. For this purpose the Contracting Parties may determine the practical conditions under which a name may be used.
- V. Pursuant to Article 4, the Contracting Parties agree to allow the use of a geographical indication to describe and present a wine only if the wine is wholly obtained from grapes harvested in this geographical unit. However, as regards a limited number of well demarcated and restricted production areas, the name of such an area may be used provided at least 85% of the wine concerned is obtained from grapes harvested in that area.
- VI. Pursuant to Article 5(1) of the Agreement, the Community shall authorise, on a provisional basis until admission of this practice by the International Vine and Wine Organisation (OIV), the import and the marketing on its territory of wines originating in South Africa treated with dimethyl dicarbonate for stabilisation purposes under conditions laid down in South African rules. In the case of non-admission within a period of 3 years by the OIV, the authorisation shall be withdrawn after a transitional period of one further year.

VII. Pursuant to Article 5(1) of the Agreement and therefore in derogation from Article 4 of the Agreement, the Community shall authorise the import and the marketing on its territory of wines originating in South Africa, meeting the following compositional and other product specifications:

1. For wines other than those referred to in point 2, the limits for the following parameters are fixed as follows:

1.1. Alcoholic strength:

(a) not less than 6,5% and not more than 16,5% actual alcohol strength by volume; and

(b) not more than 20% total alcohol strength by volume, except for sweet natural and "Noble Late Harvest" wines having a high residual sugar content without having undergone any enrichment for which the total alcoholic strength may exceed the limit of 20%.

1.2. Volatile acidity:

(a) for noble late harvest wine, natural sweet wines and wine made from sundried grapes, not more than 1,8 g/l, expressed as acetic acid (30 meq/l);

(b) for wine other than those referred to in (a), not more than 1,2 g/l, expressed as acetic acid (20 meq/l).

1.3. Total acidity: not less than 3 g/l, expressed as tartaric acid

1.4. Total sulphur dioxide:

(a) for wines other than those referred to in points (b) and (c): not more than 160 mg/l. If the residual sugar content exceeds 4 g/l, the maximum limit shall not exceed 200 mg/l;

(b) for wines entitled to the description "Noble Late Harvest" or other equivalent terms: not more than 300 mg/l;

(c) for sweet natural wines, i.e. having a high residual sugar content without having undergone any enrichment: not more than 300 mg/l.

2. For liqueur/fortified wines, the limits for the following parameters are fixed as follows:

2.1. Alcoholic strength: not less than 15% and not more than 22% actual alcoholic strength by volume

2.2. Total sulphur dioxide: not more than 160 mg/l

3. For all wines, the limit for the sodium content shall be fixed at a maximum value of 100 mg/l, expressed as sodium.

VIII. Pursuant to Article 5(2) of the Agreement and therefore in derogation from Article 4 of the Agreement, South Africa shall authorise the import and the marketing on its territory of wines originating in the Community, meeting the following compositional and other product specifications:

1. For wines other than those referred to in point 2, the limits for the following parameters are fixed as follows:

1.1. Alcoholic strength:

(a) not less than 6% and not more than 20% actual alcoholic strength by volume except certain quality wines that p.s.r. having a high residual sugar content without having undergone any enrichment for which the actual alcoholic strength may be less than 6% but not less than 4,5%;

(b) not more than 20% total alcoholic strength by volume, except for certain wines having a high residual sugar content without having undergone any enrichment for which the total alcoholic strength may exceed the limit of 20%.

1.2. Volatile acidity:

(a) for wines other than those referred to in (b), not more than 1,20 g/l (20 meq/l), expressed as acetic acid);

(b) for the following specific wines:

(i) for wines originating in Germany:

(1) 1,8 g/l (30 meq/l), expressed as acetic acid, for quality wines p.s.r. entitled to the description "Eiswein" or "Beerenauslese";

(2) 2,1 g/l (35 meq/l), expressed as acetic acid, for quality wines p.s.r. entitled to the description "Trockenbeerenauslese"

(ii) for wines originating in France:

1,5 g/l (25 meq/l), expressed as acetic acid, for the following quality wines p.s.r.:

- Barsac
- Cadillac
- Cérons
- Loupiac
- Sainte Croix du Mont
- Sauternes
- Anjou-Coteaux de la Loire
- Bonnezeaux
- Coteaux de l'Aubance
- Coteaux du Layon
- Quarts de Chaume
- Coteaux de Saumur
- Monbazillac
- Jurançon
- Pacherenc de Vic Bihl
- Alsace and Alsace grand cru, described by the terms "vendange tardive" or "sélection de grains nobles"

(iii) for wines originating in Italy:

(1) 1,5 g/l (25 meq/l), expressed as acetic acid, for the following quality wines p.s.r.:

- "Vernaccia di Oristano"
- "Bianco dell'Empolese", described as "vin santo"

(2) 1,5 g/l (25 meq/l), expressed as acetic acid, for table wines obtained from the variety "Vernaccia" harvested in Sardinia and described as "Vernaccia di Sardegna".

(iv) for wines originating in Austria:

(1) 1,8 g/l (30 meq/l), expressed as acetic acid, for quality wines p.s.r. entitled to the description "Beerenauslese" or "Eiswein";

(2) 2,4 g/l (35 meq/l), expressed as acetic acid, litre for quality wines p.s.r. entitled to the descriptions "Ausbruch", "Trockenbeerenauslese" or "Strohwein".

(v) for wines originating in the United Kingdom:

1,5 g/l (25 meq/l), expressed as acetic acid, for quality wines p.s.r. described by the term "botrytis" or other equivalent terms, such as "noble late harvested", "special late harvest" or "noble harvest".

1.3. Total acidity: not less than 3 grams per litre, expressed as tartaric acid.

1.4. Total sulphur dioxide:

(a) for wines other than those referred to in (b), (c) and in point IX: not more than 160 mg/l. If the residual sugar content exceeds 5 g/l, the maximum limit shall not exceed 200 mg/l;

(b) for sparkling wines: not more than 200 mg/l;

(c) not more than 300 milligrams per litre for the following wines with a residual sugar content exceeding 5 g/l:

(i) quality wines p.s.r. entitled to the description "Spätlese";

(ii) the following quality white wines psr:

- Bordeaux supérieur
- Graves de Vayres
- Côtes de Bordeaux
- St. Macaire
- Premières Côtes de Bordeaux

- Ste-Foy Bordeaux
- Côtes de Bergerac
- Côtes de Saussignac
- Haut Montravel
- Côtes de Montravel
- Rosette
- Allela
- La Mancha
- Navarra
- Penedés
- Rioja
- Rueda
- Tarragona
- Valencia

(iii) white quality wines p.s.r. originating in the United Kingdom described by the term "botrytis" or other equivalent terms, such as "noble harvest", "noble late harvested" or "special late harvested".

2. For liqueur wines, the limits for the following parameters are fixed as follows:

2.1. Alcoholic strength: not less than 15% and not more than 22% actual alcoholic strength by volume.

2.2. Total sulphur dioxide: not more than 150 mg/l. If the residual sugar contents exceeds 5 g/l, the maximum limit shall not exceed 200 mg/l.

IX. Pursuant to Article 5(2) of the Agreement and so in derogation from Article 4 of the Agreement, South Africa shall authorise, on a provisional basis until 31 December 2004, the import and marketing on its territory of the following wines, other than those referred to in point VIII (2), originating in the Community, with a content of total sulphur dioxide which exceeds 300 mg/l:

1. Not more than 350 mg/l for wines entitled to the description "Auslese" if the residual sugar content exceeds 5 g/l;

2. Not more than 400 mg/l for the following wines with a residual sugar content exceeding 5 g/l:
 (a) quality wines p.s.r. entitled to the descriptions "Ausbruch", "Ausbruchwein", "Beerenauslese", "Eiswein" or "Trockenbeerenauslese"

(b) the following quality white wines psr:

- Sauternes
- Barsac
- Cadillac
- Cérons
- Loupiac
- Sainte-Croix-du-Mont
- Monbazillac
- Bonnezeaux
- Quarts de Chaume
- Coteaux du Layon
- Coteaux de l'Aubance
- Graves Supérieures
- Jurançon.

Within the period of provisional authorisation, the Parties shall examine the health and technological aspects of these limits with a view to taking a final decision.

X. Pursuant to Article 14 of the Agreement, the following rules shall apply:

1. The evidence that the provisions set out in Article 4 have been fulfilled shall be supplied to the competent authorities of the importing Contracting Party by the production:
- (a) of a certificate issued by a mutually recognised official authority of the country of origin; and
 - (b) if the wine is intended for direct human consumption, of an analysis report drawn up by a laboratory officially recognised by the country of origin. The analysis report shall include the following information:
 - total alcoholic strength by volume
 - actual alcoholic strength by volume
 - total dry extract
 - total acidity, expressed as tartaric acid
 - volatile acidity, expressed as acetic acid
 - citric acidity
 - residual sugar
 - total sulphur dioxide.
2. The Contracting Parties shall mutually determine the specific details of these rules, in particular the forms to be used and the information to be given ¹.

XI. In applying Title IV of the Agreement, the Contracting Parties agree that the methods of analysis recognised as reference methods by the International Vine and Wine Office (OIV) and published by that Office or, where an appropriate method does not appear in this publication, a method of analysis complying with the standards recommended by the International Organisation for Standardisation (ISO), shall prevail as reference methods for the determination of the analytical composition of the wine in the context of control operations.

- XII. Pursuant to Article 20(b) of the Agreement, the following shall be considered to be small quantities:
- 1. wines in labelled containers of not more than 5 litres fitted with a non-reusable closing device where the total quantity transported, whether or not made up of separate consignments, does not exceed 100 litres;
 - 2. (a) quantities of wine not exceeding 30 litres per traveller contained in traveller's baggage;
 - (b) quantities of wine not exceeding 30 litres forming part of consignments from one individual to another;
 - (c) quantities of wine forming part of the household effects of individuals moving house;
 - (d) which are imported for the purpose of scientific or technical experiments, subject to a maximum of 1 hectolitre;
 - (e) which are imported for diplomatic, consular or similar establishments as part of their duty-free allowance;
 - (f) which are held on board international means of transport as victualling supplies.

The case of exemption referred to in point 1 may not be combined with one or more of the cases of exemption referred to in point 2.

XIII. The Contracting Parties agree to allow terms that indicate environmentally harmonious production methods on labels for wine if the use of those terms are regulated in the country of origin.

¹ To be done in a separate exchange of letters to be mutually agreed.