

AGREEMENT ON TRADE IN WINE

BETWEEN

THE GOVERNMENT OF AUSTRALIA

AND

**THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND**

The Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland (“the United Kingdom”) (hereinafter referred to as “the Parties”);

Recognising that the Agreement between the European Community and Australia on Trade in Wine, done at Brussels on 1 December 2008, and which entered into force generally on 1 September 2010, including the Protocol, the Annexes and the related Consolidated Exchange of Letters (“the EC-Australia Wine Agreement”), will cease to apply to the United Kingdom when it ceases to be a Member State of the European Union or at the end of any transitional arrangement or implementation period during which the rights and obligations stemming from the EC-Australia Wine Agreement continue to apply to the United Kingdom;

Desiring that the rights and obligations between them, as provided for by the EC-Australia Wine Agreement, should continue after the United Kingdom leaves the European Union;

HAVE AGREED AS FOLLOWS:

Article 1

Definitions and interpretation

1. Throughout this instrument:

“*mutatis mutandis*” means with the technical changes necessary to apply the EC-Australia Wine Agreement as if it had been concluded between the United Kingdom of the one part and Australia of the other part, taking into account the object and purpose of this Agreement;

the “*Incorporated Agreement*” means the EC-Australia Wine Agreement, to the extent incorporated into this Agreement (and related expressions are to be read accordingly);

2. Throughout the Incorporated Agreement and this instrument, “this Agreement” means the entirety of the Incorporated Agreement and this instrument, including its Appendix on Modifications.

Article 2

Incorporation of the EC-Australia Wine Agreement

1. The Parties agree that the provisions of the EC-Australia Wine Agreement in force immediately before they cease to apply to the United Kingdom are incorporated into and made part of this Agreement *mutatis mutandis* subject to the provisions of this instrument, including the Appendix on Modifications.

2. The commitments described in the following Declaration and Joint Declarations made by the parties to the EC-Australia Wine Agreement in relation to that Agreement, shall apply with the same effect, *mutatis mutandis*, to the Parties to this Agreement, subject to the provisions of this instrument:
 - (a) Joint Declaration on future discussions on oenological practices;
 - (b) Joint Declaration on allergens labelling;
 - (c) Joint Declaration on a dialogue on issues related to international trade in wine, with the exception of the words “As the largest global exporters of wine” which shall not apply;
 - (d) Joint Declaration on use of production methods;
 - (e) Joint Declaration on labelling issues;
 - (f) Joint Declaration concerning Article 13(3)(c);
 - (g) Joint Declaration on certification;
 - (h) Consolidated Declaration.

Article 3

Objective

1. The overriding objective of this Agreement is to preserve conditions relating to trade in wine between the Parties as a result of the EC-Australia Wine Agreement and to provide a platform for further facilitation and promotion of trade in wine between the Parties.
2. For the avoidance of doubt, the Parties agree, on the basis of non-discrimination and reciprocity, to facilitate and promote trade in wine originating in the United Kingdom and in Australia on the conditions provided for in this Agreement.

Article 4

References to EU law

Throughout this Agreement, unless otherwise provided, references to European Union legislation are to be read as references to the substance of that European Union legislation as incorporated, implemented or otherwise transposed into United Kingdom law as at the later of:

- (a) the date the United Kingdom leaves the European Union; or
- (b) the date the United Kingdom ceases to be bound by the relevant European Union legislation.

Article 5

Territorial application

For the avoidance of doubt in relation to incorporated Article 36, this Agreement shall apply, in respect of the United Kingdom, to the United Kingdom and the territories for whose international relations it is responsible to the extent that and under the conditions which the EC-Australia Wine Agreement applied immediately before it ceased to apply to the United Kingdom.

Article 6

Continuation of substantive transitional periods

1. The Parties agree that unless this instrument provides otherwise:
 - (a) where a transitional period under the EC–Australia Wine Agreement has not yet ended, the remainder of that transitional period shall be incorporated into this Agreement; and
 - (b) where a transitional period in the EC–Australia Wine Agreement has ended, any ongoing right or obligation relating to that period shall apply between the Parties and that transitional period shall not be incorporated.
2. Nothing in this Article affects references in the Incorporated Agreement to procedures or other things relating to administration of this Agreement (such as reviews, committee procedures and notification deadlines) to be done within a specified period or at specified intervals after the entry into force of this Agreement.

Article 7

Further provision in relation to the Joint Committee

1. The Joint Committee which the Parties establish under incorporated Article 30 shall, in particular, see to the proper functioning of this Agreement from the time at which the EC-Australia Wine Agreement ceases to apply to the United Kingdom.
2. Upon entry into force of this Agreement, any decisions adopted by the Joint Committee established by the EC-Australia Wine Agreement immediately before the EC-Australia

Wine Agreement ceased to apply to the United Kingdom shall, to the extent those decisions relate to the Parties to this Agreement, be deemed to have been adopted, *mutatis mutandis*, and subject to the provisions of this instrument, by the Joint Committee the Parties establish under incorporated Article 30.

3. Nothing in paragraph 2 prevents the Joint Committee established under incorporated Article 30 from making decisions which are different to, revoke or supersede the decisions deemed to have been adopted by it under that paragraph.

Article 8

Designated representative bodies and contact points

1. The Government of Australia designates the Department of Agriculture and Water Resources (or any successor agency of the Australian Government that assumes the relevant functions of that Department) as its representative body.
2. Upon entry into force of this Agreement, the Government of the United Kingdom of Great Britain and Northern Ireland shall provide the Government of Australia with:
 - (a) its designated representative body; and
 - (b) its contact point, for the purposes of incorporated Article 31.

Article 9

Amendments

1. The Parties may agree, in writing, to amend this Agreement. Amendments shall enter into force on such date as the Parties may mutually determine.
2. Notwithstanding paragraph 1, the Joint Committee may decide that the incorporated Annexes, Protocol, or Notes should be amended. The Parties may adopt the Joint Committee's decision subject to any applicable procedures.

Article 10

Entry into force

1. Each Party shall notify the other of the completion of its domestic procedures required for the entry into force of this Agreement.
2. This Agreement shall enter into force on the later of:

APPENDIX ON MODIFICATIONS

The incorporation of the EC-Australia Wine Agreement into this Agreement is further modified as follows:

MODIFICATIONS TO TITLE I

OENOLOGICAL PRACTICES AND PROCESSES AND COMPOSITIONAL REQUIREMENTS FOR WINE

1. In each of incorporated Article 11(1) and incorporated Article 11(2)(a), the reference to “Article 29(3)(a) or Article 30(3)(a)” shall be replaced by “Article 9”.

MODIFICATIONS TO TITLE II

PROTECTION OF WINE NAMES AND RELATED PROVISIONS ON DESCRIPTION AND PRESENTATION

2. In respect of incorporated Article 12, paragraph 1(a) V shall not be incorporated.
3. In respect of incorporated Article 15, paragraph (b) shall not be incorporated.

MODIFICATIONS TO TITLE III

SPECIFIC PROVISIONS ON PRESENTATION AND DESCRIPTION

4. In respect of incorporated Article 25, paragraph 2(a) shall not be incorporated.

MODIFICATIONS TO TITLE V

MANAGEMENT OF THE AGREEMENT

5. In incorporated Article 29:
 - (a) the references to “the Department of Agriculture, Fisheries and Forestry” shall be substituted with “the Department of Agriculture and Water Resources”;
 - (b) the references to “the Directorate-General for Agriculture and Rural Development” shall be substituted with the body designated by the United Kingdom under Article 8(2) of this instrument.
6. In respect of incorporated Article 29(3), paragraph (a) shall not be incorporated.
7. In respect of incorporated Article 30(3), paragraph (a) shall not be incorporated.

MODIFICATIONS TO TITLE VI

GENERAL PROVISIONS

8. Article 39(1) of the EC-Australia Wine Agreement shall not be incorporated and shall be substituted for:

“The Parties agree to initiate consultations with a view to harmonising rules on wine labelling requirements.”

9. Article 42 of the EC-Australia Wine Agreement shall not be incorporated.
10. Article 43 of the EC-Australia Wine Agreement shall not be incorporated.
11. Article 44(1) of the EC-Australia Wine Agreement shall not be incorporated.

MODIFICATIONS TO ANNEX II

GEOGRAPHICAL INDICATIONS AS REFERRED TO IN ARTICLE 12

12. In respect of Part A of incorporated Annex II, geographical indications relating to parts of the European Union that are not the United Kingdom shall not be incorporated.

MODIFICATIONS TO ANNEX III

TRADITIONAL EXPRESSIONS AS REFERRED TO IN ARTICLE 12

13. In respect of incorporated Annex III, traditional expressions relating to parts of the European Union that are not the United Kingdom shall not be incorporated.

MODIFICATIONS TO ANNEX IV

CATEGORIES OF WINE AND SALES DESCRIPTIONS AS REFERRED TO IN ARTICLE 12(1)(a)(IV) AND (V)

14. In respect of incorporated Annex IV:
- (a) The words “and the equivalent terms and abbreviations in other Community languages” shall not be incorporated;
 - (b) Part B shall not be incorporated.

MODIFICATION TO ANNEX VII

LIST OF VINE VARIETIES OR THEIR SYNONYMS THAT CONTAIN OR CONSIST OF A COMMUNITY GI THAT MAY APPEAR ON THE LABELLING OF WINES ORIGINATING IN AUSTRALIA IN ACCORDANCE WITH ARTICLE 22(2)

15. In respect of incorporated Annex VII, vine varieties or their synonyms that contain or consist of geographical indications relating to parts of the European Union that are not the United Kingdom shall not be incorporated.

MODIFICATION TO ANNEX IX

DOMESTIC LEGISLATION RELATING TO DESCRIPTION, PRESENTATION, PACKAGING OR COMPOSITION OF WINE AS REFERRED TO IN ARTICLE 26

16. In respect of incorporated Annex IX, for Australia:

- (a) “*Wine Australia Act 2013*” and subordinate legislation shall be substituted for “*Australian Wine and Brandy Corporation Act 1980*”, and subordinate legislation; and
- (b) “*Competition and Consumer Act 2010*” shall be substituted for “*Trade Practices Act 1974*”.

MODIFICATION TO ANNEX X

CONTACT POINTS AS REFERRED TO IN ARTICLE 31

17. The body of Annex X of the EC-Australia Wine Agreement shall not be incorporated and shall be substituted with:

“Changes to contact information shall be notified in a timely manner.

(a) GOVERNMENT OF AUSTRALIA

The Secretary
Department of Agriculture and Water Resources
18 Marcus Clarke Street
Canberra ACT 2601
Australia

Box 858
Canberra City 2601
Australia
Tel: (+61) (2) 6272 3933
Email: winepolicy@agriculture.gov.au

(b) GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The contact point designated under Article 8(2)(b).”

MODIFICATION TO PROTOCOL

18. In respect of Article 1.2 of the incorporated Protocol, the reference to “the Australian Wine and Brandy Corporation” shall be read as a reference to “Wine Australia”.