

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
CANBERRA

**Protocol to the 2007 World Wine Trade Group Agreement on Requirements for
Wine Labelling Concerning Alcohol Tolerance, Vintage, Variety, and Wine Regions
(Brussels, 22 March 2013)**

(Signed for Australia on 30 April 2013)

Not yet in force
[2013] ATNIF 12

The Parties to this Protocol ("the Parties"):

Recalling the World Wine Trade Group (WWTG) Agreement on Mutual Acceptance of Oenological Practices done at Toronto on 18 December 2001, by which Parties agreed to enter into negotiations for the WWTG Agreement on Requirements for Wine Labelling ("the 2007 Agreement");

Recalling also the 2007 Agreement, done at Canberra on 23 January 2007;

Further recalling Article 13.1(a) of the 2007 Agreement, by which Parties agreed to continue discussing labelling requirements concerning information on alcohol tolerance, vintage, variety, and wine regions, with a view to concluding an additional agreement on labelling;

Recognising each Party's right to regulate the labelling of wine, consistent with its international obligations, *inter alia* to prevent deceptive labelling practices and to protect human health and safety;

Recognising that while certain regulatory requirements are common to the domestic laws of the Parties, there are some differences with respect to the labelling of wine concerning information on alcohol tolerance, vintage, variety, and wine regions;

Recognising that consumers have an interest in being provided with adequate information on wine labels;

Acknowledging that different regulatory requirements for wine labelling contribute to the complexity and cost of international trade in wine;

Desiring to facilitate the international trade in wine through a common understanding of the labelling of wine concerning information on alcohol tolerance, vintage, variety, and wine regions; and

Desiring to build upon the 2007 Agreement and to avoid unnecessary obstacles to trade, in accordance with their rights and obligations under the Marrakesh Agreement Establishing the World Trade Organization done on 15 April 1994 (the WTO Agreement);

AGREE AS FOLLOWS:

Article 1:

Definitions

The definitions contained in Article 1 of the 2007 Agreement shall apply to this Protocol, together with the following definitions:

- (a) "Alcohol content" means the amount of ethyl alcohol that is expressed as a percentage of alcohol by volume;
- (b) "Alcohol tolerance" means the deviation between the labelled alcohol content of the wine, in accordance with Article 11.4 of the 2007 Agreement, and the measured alcohol content of the wine;
- (c) "Contact point" means the person notified by each Party to the depositary under Article 15.1(b) of the 2007 Agreement;
- (d) "Electronic depositary" means a contact point designated by the depositary with the specific responsibility for maintaining the WWTG Website, and publishing information relevant to this Protocol on that website;
- (e) "Vintage" means the year of growth or harvest of the grapes used to make the wine as defined in each Party's laws, regulations, or requirements;

- (f) "Variety" means the cultivar of grape from which the wine is made, as expressed in commonly understood and accepted terms which are permitted for use in the territory of the Party of origin;
- (g) "Wine region" means, within a single country: a state, province, territory or similar administrative or political subdivision; or a single delimited grape growing area; or a grape growing region or locality as defined in the exporting Party's laws, regulations, or requirements.

Article 2:

Object and Purpose

The object and purpose of this Protocol is to facilitate trade in wine among the Parties and to minimise any unnecessary labelling-related barriers by establishing parameters for acceptable labelling and by further developing mutual confidence in their respective labelling regimes.

Article 3:

Relationship to the 2007 Agreement, and Footnotes

1. For the purposes of this Protocol, Articles 1; 3; 4; 5.4; 14; 16; 17; and 18 of the 2007 Agreement are incorporated into and made part of this Protocol *mutatis mutandis*.

2. The footnotes to this Protocol shall constitute an integral part of this Protocol.

Article 4:
Labelling Provisions

1. Alcohol Tolerance

- (a)¹ Each importing Party shall permit the importation and sale of wine which complies with the exporting Party's domestic laws, regulations, and requirements relating to labelling of alcohol content, if the alcohol tolerance does not exceed +/- 1.0 per cent alc/vol.
- (b) Notwithstanding subparagraph (a), where the taxation category is based on the alcohol content of wine, an importing Party may require that the label indicate the alcohol content of the wine in the correct taxable category as required by the importing Party.

2. Variety

- (a) Each importing Party shall permit the importation and sale of wine which is labelled as being of a single grape variety, if:
- I. the wine conforms to the exporting Party's laws, regulations, and requirements in respect of varietal composition; and
 - II. if at least 75² per cent of the wine so labelled is obtained from grapes of that variety.

¹ Subparagraph (a) does not apply to fortified wine in the territories of Australia, New Zealand and Canada.

² Except in the case of Canada where at least 85 per cent of the wine so labelled must be obtained from grapes of that variety.

- (b) Each importing Party shall permit the importation and sale of wine which is labelled as being of multiple grape varieties, if:
- I. the wine conforms to the exporting Party's laws, regulations, and requirements in respect of varietal composition;
 - II. at least 85 per cent of the wine so labelled is obtained from grapes of those varieties;
 - III. each variety listed is in greater proportion in the wine than any variety that is not listed; and
 - IV. the varieties listed are in descending order of their proportions in the wine.
- (c) An importing Party may require, in the case of wine labelled with one or more varieties, that the entire qualifying percentage referred to in subparagraphs (a)II or (b)II of each variety or varieties be grown in the labelled wine region(s).

3. Wine Region

- (a) Subject to subparagraph (b), each importing Party shall permit the importation and sale of wine which is labelled with a single wine region if:
- I. the wine conforms to Party's laws, regulations, and requirements in respect of wine regions; and
 - II. at least 75 per cent of the wine is obtained from grapes grown in the named wine region.

- (b) Where wine is labelled with a single wine region recognised by the exporting Party to be a single delimited grape growing area, the importing Party may require that at least 85 per cent of the wine is obtained from grapes grown in the named wine region.
- (c)³ Each importing Party shall permit the importation and sale of wine which is labelled with two or not more than three wine regions provided that:
- I. the wine conforms to the exporting Party's laws, regulations, and requirements in respect of wine regions;
 - II. at least 85 per cent of the wine is obtained from grapes grown in those regions;
 - III. The wine derived from grapes grown in each region listed on the label is in greater proportion than wine derived from grapes grown in any region that is not listed;
 - IV. the regions listed are in descending order of the proportions of the grapes from those regions in the wine; and
 - V. the regions are within the same country.
- (d) In the case of wine labels claiming multiple regions recognised by the exporting Party to be delimited grape growing areas, an importing Party may require that at least 85 per cent of the wine is derived from grapes grown in the overlapping area.

³ Except in the case of Argentina, where under national legislation the labelling of multiple regions is not allowed.

(e) Each Party may provide the names of its wine regions categorised as belonging to one or more of the categories set out in the definition of “wine region”, to the electronic depositary, which maintains and publishes such information on the WWTG website.

4. Vintage

(a) Each importing Party shall permit the importation and sale of wine which is labelled with a vintage if:

I. the wine conforms to the exporting Party's laws, regulations, and requirements in respect of a vintage; and

II. at least 85 per cent of the wine is derived from grapes of that vintage.

(b) An importing Party may also require in the case of regions recognised by the exporting Party to be delimited grape growing areas, that at least 95 per cent of the wine is derived from grapes grown in that region.

Article 5:

Further Labelling Requirements

1. A Party may maintain requirements that two or more of the labelling elements in Articles 4.2, 4.3 and 4.4, namely varietal, wine region and vintage, are linked to one another.

2. A Party may notify such requirements as described in paragraph (1) to the electronic depositary, which will convey this information to each Party's respective contact point and publish it on the WWTG website.

3. Notwithstanding that a wine complies with Article 4, an importing Party may require that the wine also complies with requirements notified by that Party under paragraph (2).

4. An importing Party which maintains such requirements, as described in paragraph (1), should over time review them with a view to minimising, where practicable, their impact on trade among the Parties.

Article 6:

Less Restrictive Rules:

Consistent with Article 7.1 of the 2007 Agreement, where an importing Party adopts or maintains for its market labelling laws, regulations, and requirements that are less restrictive than the provisions specified in this Protocol, nothing in this Protocol shall prevent exporters exporting to that market from labelling in accordance with the importing Party's laws, regulations, and requirements.

Article 7:

Parties and Entry into Force

1. This Protocol shall be open for signature by Parties to the 2007 Agreement until 1 December 2013, or such longer period as the Council may decide.

2. This Protocol is subject to ratification, acceptance or approval by signatory States. Instruments of ratification, acceptance or approval shall be deposited with the depositary, which shall promptly communicate them to the other signatory States.

3. This Protocol shall enter into force on the first day of the second month following the date the depositary receives the second instrument of ratification, acceptance or approval. It shall enter into force for each subsequent signatory

State thereafter on the first day of the second month following the date of deposit of its instrument of ratification, acceptance or approval.

4. A signatory State shall seek to deposit its instrument of ratification, acceptance or approval within 48 months of the date this Protocol enters into force, or such longer period as the Council may decide.

Article 8:

New Parties

1. Any State that has not signed this Protocol may by written application to the depositary seek to accede to it. The depositary may only accept written applications from States that are Party to the 2007 Agreement.

2. The depositary shall circulate to the Parties, within 30 days of its receipt, a State's application to accede to the Protocol. The Council shall consider any such application at its first meeting following its receipt, which shall be held no sooner than 60 and no later than 120 days from the date of circulation to the Parties. If the Council finds the application acceptable, it shall notify the State of its decision and may invite the State to accede to this Protocol.

3. Following receipt of the invitation, but in no case later than 30 months thereafter, the State concerned shall deposit its instrument of accession with the depositary. The Protocol shall enter into force for that State on the first day of the second month following the date of deposit of its instrument of accession.

The original of this text, of which the English, French, and Spanish language texts are equally authentic, shall be deposited with the Government of the United States.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their
respective Governments, have signed this Protocol.

Done at Brussels on the 22nd day of March in the year two thousand and thirteen.

ARGENTINA
ARGENTINE
ARGENTINA

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Eduardo Michel, *Ministerio de Relaciones Exteriores y Culto*

CANADA
CANADA
CANADÁ

.....
Jordan Khan, *Department of Foreign Affairs and International Trade*

GEORGIA
GÉORGIE
GEORGIA

.....
Andro Aslanishvili, *National Wine Agency, Ministry Of Agriculture*

SOUTH AFRICA
AFRIQUE DU SUD
SUDÁFRICA

.....
Günter Müller, *Department of Agriculture, Forestry and Fisheries*

AUSTRALIA
AUSTRALIE
AUSTRALIA

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CHILE
CHILE
CHILE

.....
Fernando Acuña, *Dirección General de Relaciones Económicas Internacionales*

NEW ZEALAND
NOUVELLE ZÉLANDE
NUEVA ZELANDIA

.....
Wade Armstrong, *Ministry of Foreign Affairs and Trade*

UNITED STATES OF AMERICA
ETATS-UNIS D'AMÉRIQUE
ESTADOS UNIDOS DE AMÉRICA

.....
Roger Wentzel, *Office of the United States Trade Representative*