

World Wine Trade Group
Memorandum of Understanding on Certification Requirements

Santiago, 20 October 2011.

World Wine Trade Group
Memorandum of Understanding on Certification Requirements

Between

Argentina, Australia, Chile, Georgia, New Zealand, and the United States of America (The Participants):

Recalling the World Wine Trade Group (WWTG) Agreement on Requirements for Wine Labelling, done at Canberra on 23 January 2007, in force since 1 July 2010, and the Agreement on Mutual Acceptance of Oenological Practices, done at Toronto on 18 December 2001 (hereinafter the Mutual Acceptance Agreement), in force since 1 December 2002, having as their objective the facilitation of trade in wine between the Parties to those Agreements;

Recalling Article 5, paragraph 4 of the Mutual Acceptance Agreement by which the Parties to that Agreement agreed *inter alia* that routine certification with regard to any oenological practice would not be required;

Affirming that the mutual intention of the Participants is that all the Parties to the Mutual Acceptance Agreement should be participants under this Memorandum of Understanding (Memorandum);

Recognising that each Participant has the right consistent with its international obligations to regulate wine imported into their respective territories to protect human health and safety;

Desiring to affirm their rights and obligations under the Marrakesh Agreement Establishing the World Trade Organization done on 15 April 1994 (hereinafter the WTO Agreement) and to avoid obstacles to trade in wine in accordance with those rights and obligations;

Have reached the following understandings with respect to 'wine' as defined in the Mutual Acceptance Agreement and the Agreement on Requirements for Wine Labelling:

1. It is the intent of the Participants not to require routine certification of wine composition, or certificates of free sale or analytical reports on wine constituents for imported wine, unless necessary to protect human health and safety.
2. Where certificates are deemed necessary to protect human health and safety, the Participants are encouraged to consider, as appropriate, certification requirements in accordance with the Codex Alimentarius Guidelines for Design, Production, Issuance and Use of Generic Official Certificates (CAC/GL 38-2001), in particular the use of the generic model official certificate, as amended from time-to-time, concerning official and officially recognized certificates.
3. The Participants should not require certification relating to vintage, varietal and regional label claims for a wine unless they have a reasonable and legitimate concern about such claims.

If certification within the terms of paragraph 1 and 3 *supra* is necessary, Participants are encouraged to accept certificates issued by the official certification body or by an officially recognized certification body of an exporting country. Any such certification is to be consistent with the WTO Agreement.

4. This Memorandum does not affect any Participant's laws or regulations with respect to labelling pre-approval, bioterrorism controls or *ad hoc* testing by an importing country.

5. It is the mutual intention of the Participants that all the Participants in this Memorandum will also be Parties to the Mutual Acceptance Agreement. The Participants acknowledge that if an exporting Participant to this Memorandum is not a Party to the Mutual Acceptance Agreement or does not have an international agreement regarding the acceptance of oenological practices with an importing Participant to this Memorandum, the importing Participant has no obligation to provide an exemption from its requirements relating to the certification of wine from that exporting Participant.
6. The Participants intend to exchange information on their respective rules regarding wine composition, including with respect to maximum residue limits for agrichemicals, with a view to working towards possible harmonisation with one another and with the Codex Alimentarius in respect of such rules.
7. This Memorandum may be modified at any time with the mutual written consent of all Participants.
8. Any Participant may withdraw from this Memorandum, but should endeavour to give six months written notice to the other Participants. Prior to the expiry of the six month period, the Participants should consult to determine how any outstanding matters should be dealt with.
9. Any differences related to the interpretation or application of this Memorandum should be resolved by discussions or consultations between the Participants and are not to be referred to any national or international tribunal or third party for settlement.

10. Applications for participation in this Memorandum are to be made in writing to the current WWTG Council Chair and transmitted to each of the Participants; and the acceptance of an applicant as a Participant requires the written consent of all existing Participants.

This Memorandum will come into effect on the first day of the month following the date of the second signature of this Memorandum.

It will come into effect for each subsequent Participant on the first day of the month following the date of its signature.

Initialized on an *ad-referendum* basis, at Mendoza, on 15 October 2010, in English, and pending its final signature the finalization of internal legal consultations of the Participants mentioned in the chapeau.

Signed in Santiago, Chile, on the 20th day of October 2011:

FOR THE GOVERNMENT OF THE
REPUBLIC OF ARGENTINA

MR. GUILLERMO GARCÍA
PRESIDENTE
INSTITUTO NACIONAL DE
VITIVINICULTURA

FOR THE GOVERNMENT OF
AUSTRALIA

HE MS. VIRGINIA GREVILLE
AMBASSADOR

FOR THE GOVERNMENT OF THE
REPUBLIC OF CHILE

MR. ALFREDO MORENO CHARME
MINISTER OF FOREIGN AFFAIRS

FOR THE GOVERNMENT OF THE
REPUBLIC OF GEORGIA

MR. MALKHAZ AKISHBAIA,
DEPUTY MINISTER OF AGRICULTURE

FOR THE GOVERNMENT OF
NEW ZEALAND

MR. WADE ARMSTRONG
PRINCIPAL ADVISOR TRADE POLICY
MINISTRY OF FOREIGN AFFAIRS

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA

MR. ROGER WENTZEL
DEPUTY ASSISTANT
UNITES STATES TRADE
REPRESENTATIVE