

PROTOCOL 3

GEOGRAPHICAL INDICATIONS AND TRADE IN WINES AND SPIRITS

RECALLING the Agreement between the European Community and the Republic of South Africa on trade in wine signed at Paarl on 28 January 2002 and the Agreement between the European Community and the Republic of South Africa on trade in spirits signed at Paarl on 28 January 2002;

BEING PARTY TO the Agreement on Trade, Development and Cooperation Between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part signed in Pretoria on 11 October 1999, the Agreement in the Form of an Exchange of Letters providing for the provisional application of the Agreement between the European Community and the Republic of South Africa on trade in wine as from 28 January 2002, and the Agreement in the Form of an Exchange of Letters providing for the Provisional Application of the Agreement Between the European Community and the Republic of South Africa on Trade in Spirits as from 28 January 2002;

DESIRING to promote the development of GIs defined as indications which identify a good as originating in the territory of a Party, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin, within the meaning of Article 22(1) of the TRIPs Agreement;

ACKNOWLEDGING the importance to their economies of the beverages sector and the need to facilitate trade in wine products and spirits between them,

ARTICLE 1

Application of the Protocol

1. The provisions of this Protocol apply to South Africa and to the EU ("the Parties").
2. Any other SADC EPA State may adhere to this Protocol in relation only to GIs by lodging an application with the Special Committee on GIs and trade in wines and spirits referred to in Article 13 of this Protocol ("the Special Committee").
3. This Committee may submit proposals for amendments to the Joint Council for consideration and approval of the accession of the SADC EPA State concerned to this Protocol pursuant to Article 117 of this Agreement.

PART 1

GEOGRAPHICAL INDICATIONS

ARTICLE 2

Scope

1. This Part applies to the recognition and protection of GIs designating products falling under the categories of products indicated in the section headings of Annex I to this Protocol and originating in the territories of the Parties.

2. The provisions of this Part shall complement and specify the rights and obligations of the Parties under the TRIPS Agreement and other existing multilateral agreements to which the Parties are party, and therefore, no provision of this Part will contradict or be detrimental to the provisions of such multilateral agreement.
3. For the purposes of this Part, the definition of 'geographical indication' is compatible with that laid down in Article 22.1 of the TRIPS Agreement.

ARTICLE 3

Protection of established geographical indications

1. The EU shall protect the GIs of South Africa listed in Annex I to this Protocol according to the level of protection laid down in this Protocol.
2. South Africa shall protect the GIs of the EU listed in Annex I to this Protocol according to the level of protection laid down in this Protocol.
3. When all the GIs respectively of the EU or of South Africa listed in Annex I to this Protocol and identified therein as GIs for which the priority date is indicated as 'date of entry into force' have been protected according to paragraphs 1 or 2, each Party shall notify the other that the protection has been applied.

ARTICLE 4

Right of use of geographical indications

1. A geographical indication protected under this Part may be used by any operator marketing the product concerned conforming to the corresponding product specification.
2. Once a geographical indication is protected under this Part, the use of such protected name shall not be subject to any registration of users, or further charges.

ARTICLE 5

Scope of protection

1. GIs referred to in Article 3 and listed in Annex I to this Protocol as well as those added pursuant to Article 7 of this Protocol shall be protected against:
 - (a) any direct or indirect commercial use of a protected name:
 - for comparable products not compliant with the product specification of the protected name, or
 - in so far as such use exploits the reputation of a geographical indication;

- (b) any misuse, imitation or evocation including:
 - use in connection with an indication of the true origin of the product in question;
 - use in translation, transcription or transliteration;
 - use together with words such as "kind", "type", "style", "imitation", "method", or similar words or expressions;
 - (c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of a like product, on the inner or outer packaging, advertising material or documents relating to that product, and the packing of the product in a container liable to convey a false impression as to its origin;
 - (d) any other practice liable to mislead the consumer as to the true origin of a like product.
2. Protected GIs shall not be deemed to become generic in the territories of the Parties.
 3. This Protocol shall in no way prejudice the right of any person to use, in the course of trade, that person's name or the name of that person's predecessor in business, except where such name is used in such a manner as to mislead consumers.

4. Where South Africa or the EU, in the context of negotiations with a third party, proposes to protect a geographical indication of the third party, and the name is wholly or partially homonymous with a geographical indication of the other Party, the latter shall be informed and be given the opportunity to comment before the name becomes protected.
5. Nothing in this Part shall oblige South Africa or the EU to protect a geographical indication which is not or ceases to be protected in its country of origin. South Africa and the EU shall notify each other if a geographical indication ceases to be protected in its country of origin.

ARTICLE 6

Relation between geographical indications and trade marks

1. The Parties shall refuse to register or shall invalidate a trade mark that corresponds to any of the situations referred to in Article 5(1) of this Protocol and which relates to same type of product, provided an application to register the trade mark is submitted after the date of application for protection of the geographical indication in the territory concerned. In the case of invalidation, a competent authority of a Party may provide that invalidation shall only be effected pursuant to an application duly lodged by an interested party and brought in a manner prescribed in applicable legislation.

2. For the GIs listed in Annex I to this Protocol at the date of entry into force of this Protocol, the date of application for protection referred to in paragraph 1 shall be the priority date indicated in Annex I of this Protocol, without prejudice to the continued validity, in respect of a trade mark that was earlier in time than the said date, of priority rights that applied in the territory of a Party immediately before the date of entry into force of this Protocol.
3. For GIs referred to in Article 7 of this Protocol, the date of application for protection referred to in paragraph 1 shall be the date of a Party's receipt of a request by the other Party to protect a geographical indication, provided the said geographical indication is subsequently protected by the receiving Party.
4. The protection of a geographical indication under Article 5 of this Protocol is without prejudice to the continued use of a trade mark which has been applied for, registered or established by use in good faith, in the territory of a Party before the date of the application for protection of the geographical indication provided that no grounds for the trade mark's invalidity or revocation exist in the legislation of the Party concerned. The date of application for protection of the geographical indication is determined in accordance with the provisions of paragraphs 2 and 3.
5. In respect of the GIs listed in Annex I to this Protocol and identified therein as GIs for which the priority date is indicated as 'date of entry into force', a trade mark applied for between the date of publication for comments or opposition of the said GIs and the date of entry into force of this Protocol that corresponds to any of the situations referred to in Article 5(1) of this Protocol shall be presumed to have been applied for in bad faith.

ARTICLE 7

Addition of Geographical Indications for protection

1. South Africa and the EU may add GIs to the lists in Annex I to this Protocol in accordance with the procedures set out in Article 13 of this Protocol.
2. A name may not be added to the list in Annex I to this Protocol where, in the territory of a Party, it conflicts with the name of a plant variety, including a grape variety, or an animal breed and as a result is likely to mislead the consumer as to the true origin of the product, or if it wholly comprises a generic term for similar product.
3. If a geographical indication referred to in Articles 3 or 7(1) of this Protocol is wholly or partially homonymous with a geographical indication protected or proposed for protection in the territory of the Party concerned:
 - (a) protection shall be granted to each indication provided that it has been used in good faith and with due regard for local and traditional usage and the actual risk of confusion;
 - (b) without prejudice to Article 23 of the TRIPS Agreement, South Africa and the EU shall mutually decide the practical conditions of usage under which the wholly or partially homonymous GIs will be differentiated from each other, taking into account the need to ensure equitable treatment of the producers concerned and that consumers are not misled;

- (c) a wholly or partially homonymous name which misleads the consumer into believing that products come from another territory shall not be protected even if the name is accurate as far as the actual territory, region or place of origin of the product in question is concerned.
4. South Africa and the EU shall have no obligation to protect a geographical indication where, in the light of a reputed or well-known trade mark, protection is liable to mislead consumers as to the true identity of the product concerned.
 5. Without prejudice to paragraph 4, the Parties shall protect a geographical indication also where a prior trade mark in the sense of Article 6(4) of this Protocol exists.
 6. With a view to the development of GIs in South Africa, South Africa may present up to thirty (30) names with priority for protection pursuant to Article 13 of this Protocol. The EU shall submit these applications to its internal procedures without delay.

ARTICLE 8

Enforcement of protection

1. The Parties shall enforce the protection provided for in Articles 3 to 7 of this Protocol by appropriate administrative action by public authorities and available juridical instances established under each Party's domestic or regional legislation. They shall also enforce such protection at the request of an interested party.

2. In so far as domestic and regional laws provide for enforcement mechanisms that are equivalent to those in application for comparable labelling, production, and intellectual property enforcement purposes, they are considered to meet the requirements of paragraph 1.

ARTICLE 9

Cooperation in management of geographical indications

1. The EU and South Africa shall notify each other, and may make publicly available, the product specifications or summaries thereof and the contact points for control provisions corresponding to GIs of the other Party protected pursuant to this Part.
2. GIs protected under this Part may only be cancelled by the Party in the territory of which the product originates.
3. Any matter arising from a product specification of a protected name shall be dealt with in the Special Committee. A product specification referred to in this Part shall be the one approved, including any amendments also approved, by the authorities of the Party in the territory of which the product originates.
4. The provisions of this Part are without prejudice to the right to seek recognition and protection of a geographical indication under the relevant legislation of South Africa or the EU.

PART 2

TRADE IN WINE PRODUCTS AND SPIRITS

ARTICLE 10

Scope and coverage

This Part applies to wine products and spirits falling under headings 2204 and 2208 of the International Convention on the Harmonised Commodity, Description and Coding System, hereinafter referred to as the 'Harmonised System', signed at Brussels on 14 June 1983.

ARTICLE 11

Winemaking practices

1. The EU shall authorise the importation and marketing in its territory for human consumption of wine products originating in South Africa and produced in accordance with:
 - (a) product definitions authorised in South Africa by laws and regulations referred to in Section A1(a) of Annex II to this Protocol,

- (b) oenological practices and restrictions authorised in South Africa under laws and regulations referred to in Section A1(b) of Annex II to this Protocol or otherwise approved for use in wines for export by the competent authority, in so far as they are recommended and published by the International Organisation of the Vine and Wine, hereafter referred to as the "OIV", and
 - (c) additional oenological practices and restrictions jointly accepted by the Parties under the conditions provided for in Section A1(c) of Annex II to this Protocol.
2. South Africa shall authorise the importation and marketing in its territory for human consumption of wine products originating in the EU and produced in accordance with:
- (a) product definitions authorised in the EU by laws and regulations referred to in Section B1(a) of Annex II to this Protocol,
 - (b) oenological practices and restrictions authorised in the European Union by laws and regulations referred to in Section B1(b) of Annex II to this Protocol, in so far as they are recommended and published by the OIV, and
 - (c) additional oenological practices and restrictions jointly accepted by the Parties under the conditions provided for in Section B1(c) of Annex II to this Protocol.

3. The Parties may jointly decide, by way of amendment to Annex II to this Protocol, to add, delete or modify references to product definitions, and oenological practices and restrictions. Such decisions shall be adopted by the Special Committee according to its procedures.
4. In respect of oenological practices, the Parties reconfirm their WTO undertakings in relation to national treatment and the most favoured nation principle, having regard in particular to their undertakings in Article 40 of this Agreement.

ARTICLE 12

Certification of wines and spirits

1. For wine products and spirit drinks imported from South Africa and placed on the market in the EU, the documentation and certification that may be required by the European Union shall be limited to that set out in Section A2 of Annex II to this Protocol.
2. For wine products and spirit drinks imported from the EU and placed on the market in South Africa, the documentation and certification that may be required by South Africa shall be limited to that set out in Section B2 of Annex II to this Protocol.

PART 3

GENERAL PROVISIONS

ARTICLE 13

Special Committee

1. The Parties hereby establish a Special Committee on geographical indications and trade in wines and spirits with the purpose of monitoring the development of this Protocol, intensifying their cooperation, exchanging information, notably product specifications or summaries thereof, and improving their dialogue on GIs.
2. The Parties shall, through the Special Committee, maintain contact on all matters relating to the implementation and the functioning of this Protocol. In particular, the Parties shall ensure timely notification to each other of amendments to laws and regulations on matters covered by this Protocol that have an impact on products traded between them.
3. The Special Committee shall see to the proper functioning of this Protocol and may make recommendations and adopt decisions by consensus.
4. By derogation from Article 117 of this Agreement, the Special Committee may decide to modify the Annexes of this Protocol, including matters of cooperation under Article 14(1) of this Protocol.

5. The Special Committee shall determine its own rules of procedure.

ARTICLE 14

Cooperation and dispute avoidance

1. The Parties shall cooperate on matters related to GIs and trade in wines and spirits, and in particular:
 - (a) product definitions, certification and labelling of wines;
 - (b) use of grape varieties in winemaking and labelling thereof;
 - (c) use of traditional terms on labelling of wines;
 - (d) product definitions, certification and labelling of spirit drinks;
 - (e) issues of mutual concern relating to products classified under HS 2205; and
 - (f) matters related to the attachment to the exchange of letters in Annex X to the TDCA as referred to in Article 17(2) of this Protocol.
2. The provisions laid down in Part III of this Agreement shall apply to any relevant matter arising under this Protocol, subject to references to Parties being limited to the Parties to this Protocol and references to the Trade and Development Committee being read to refer to the Special Committee.

ARTICLE 15

Applicable rules

Unless otherwise provided for in this Protocol or in the Agreement, importation and marketing of products covered by this Protocol, traded between the Parties shall be conducted in compliance with the laws and regulations applying in the territory of the Party of importation.

ARTICLE 16

Application of certain market access concessions

Subject to Article 113(5) of this Agreement, and pursuant to Article 113(6) of this Agreement, the agricultural market access concessions referred to in Article 24(2) and Article 25(1) of this Agreement that are denoted by an asterisk (*) in the tariff schedules as set out in ANNEXES I and II of this Agreement, shall only be granted to the Party that lodges the notification pursuant to Article 3(3) of this Protocol from the first day of the month following receipt by the other Party of such notification.

ARTICLE 17

Relation to other agreements

1. The Agreements of 2002 in the Form of Exchanges of Letters Concerning the Provisional Application of Certain Agreements between the European Community and South Africa on Trade in Wine and on Trade in Spirits are hereby terminated.
2. In respect of the attachment to the exchange of letters in Annex X to the TDCA:
 - (a) the provisions of this Protocol relating to the protection of the names Port and Sherry in this Protocol are without prejudice to the application of paragraphs 1 to 4 inclusive of that Attachment;
 - (b) in paragraph 6 of that Attachment, the sentence "Such assistance will commence at the entry into force of the Wines and Spirits Agreement" is replaced by "Such assistance will commence at the date of entry into force of Protocol 3 on geographical indications and trade in wines and spirits to the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part".

ARTICLE 18

Transitional measures

Product which, at the date of entry into force, has been produced, described and presented in accordance with the internal laws and regulations of the Parties and their bilateral obligations to each other, but in a manner prohibited by this Protocol may be marketed,

- (a) by wholesalers or producers, for a period of three (3) years; and
- (b) by retailers, until stocks are exhausted.

ARTICLE 19

Final provisions

1. The annexes to this Protocol shall form an integral part hereof.
2. If, pursuant to Article 113 of this Agreement, this Protocol is applied provisionally, references to the date of entry into force shall be deemed to refer to the date the provisional application of this Agreement takes effect between South Africa and the EU.
3. This Protocol is of indefinite duration. It may be terminated by common agreement of the Parties or pursuant to termination of this Agreement.

Annex I to Protocol 3

List Geographical Indications of South Africa and the EU

Note (i):

In this Annex different versions of each entry for a geographical indication are separated by an oblique with a space before and after (" / ").

Note (ii):

1. The Parties shall cooperate in the provision of information about protected GIs. Documentation may be requested in order to allow a Party to complete its obligations of due diligence or for information purposes only. Subject to paragraphs 2 and 3, the obligation to supply summary documentation shall not affect the protection of a geographical indication.
2. The documentation submitted shall show that the names meet the criteria to be a geographical indication within the meaning of the third recital of this Protocol, namely that the indication identifies a good as originating in the territory of a Party, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin, within the meaning of Article 22(1) of the TRIPs Agreement, and that the name is protected in its country of origin.

3. In view of the need to complete the documentation necessary for a Party's due diligence requirements to be discharged, the Parties shall cooperate and assist each other in the production, submission and acceptance of the documentation. The Parties commit to carry out these due diligence requirements expeditiously and objectively.

Section A

Geographical indications of South Africa

Section A.1. Agricultural products and foodstuffs

| | Country | Product category | Geographical indication | Priority date |
|---|--------------|------------------|---|--------------------------|
| 1 | South Africa | Infusion | Honeybush / Heuningbos / Honeybush tea / Heuningbos tee | date of entry into force |
| 2 | South Africa | Infusion | Rooibos / Red Bush / Rooibostee / Rooibos tea / Rooitee / Rooibosch | date of entry into force |
| 3 | South Africa | Meat | Karoo meat of origin | date of entry into force |

Section A.2. Beers

| | Country | Geographical indication | Priority date |
|--|---------|-------------------------|---------------|
| | - | - | - |

Section A.3. Wines

| | Country | Geographical indication | Priority date |
|----|--------------|---|--------------------------|
| 1 | South Africa | Agterkliphoogte | 1.2.2002 |
| 2 | South Africa | Bamboesbaai / Bamboo Bay | 1.2.2002 |
| 3 | South Africa | Banghoek | date of entry into force |
| 4 | South Africa | Boberg | 1.2.2002 |
| 5 | South Africa | Boesmansrivier / Boesmans River | 1.2.2002 |
| 6 | South Africa | Bonnievale | 1.2.2002 |
| 7 | South Africa | Bot River | date of entry into force |
| 8 | South Africa | Bottelary | 1.2.2002 |
| 9 | South Africa | Breede River Valley | 1.2.2002 |
| 10 | South Africa | Breedekloof | date of entry into force |
| 11 | South Africa | Buffeljags | 1.2.2002 |
| 12 | South Africa | Calitzdorp | 1.2.2002 |
| 13 | South Africa | Cape Agulhas | date of entry into force |
| 14 | South Africa | Cape Point | 1.2.2002 |
| 15 | South Africa | Cape South Coast | date of entry into force |
| 16 | South Africa | Cederberg | 1.2.2002 |
| 17 | South Africa | Lower Orange River / Central Orange River | 1.2.2002 |
| 18 | South Africa | Ceres Plateau | date of entry into force |
| 19 | South Africa | Citrusdal Mountain | date of entry into force |
| 20 | South Africa | Citrusdal Valley | date of entry into force |
| 21 | South Africa | Coastal Region | 1.2.2002 |
| 22 | South Africa | Constantia | 1.2.2002 |
| 23 | South Africa | Darling | 1.2.2002 |
| 24 | South Africa | Devon Valley | 1.2.2002 |
| 25 | South Africa | Douglas | 1.2.2002 |
| 26 | South Africa | Durbanville | 1.2.2002 |

| | Country | Geographical indication | Priority date |
|----|--------------|----------------------------------|--------------------------|
| 27 | South Africa | Eastern Cape | date of entry into force |
| 28 | South Africa | Eilandia | 1.2.2002 |
| 29 | South Africa | Elandskloof | date of entry into force |
| 30 | South Africa | Elgin | 1.2.2002 |
| 31 | South Africa | Elim | 1.2.2002 |
| 32 | South Africa | Franschhoek Valley / Franschhoek | 1.2.2002 |
| 33 | South Africa | Goudini | 1.2.2002 |
| 34 | South Africa | Greyton | date of entry into force |
| 35 | South Africa | Groenekloof | 1.2.2002 |
| 36 | South Africa | Hartswater | 1.2.2002 |
| 37 | South Africa | Hemel-en-Aarde Ridge | date of entry into force |
| 38 | South Africa | Hemel-en-Aarde Valley | date of entry into force |
| 39 | South Africa | Herbertsdale | 1.2.2002 |
| 40 | South Africa | Hex River Valley | date of entry into force |
| 41 | South Africa | Hoopsrivier / Hoops River | 1.2.2002 |
| 42 | South Africa | Hout Bay | date of entry into force |
| 43 | South Africa | Jonkershoek Valley | 1.2.2002 |
| 44 | South Africa | Klaasvoogds | 1.2.2002 |
| 45 | South Africa | Klein Karoo | 1.2.2002 |
| 46 | South Africa | Klein River | date of entry into force |
| 47 | South Africa | Koekenaap | 1.2.2002 |
| 48 | South Africa | Kwazulu-Natal | date of entry into force |
| 49 | South Africa | Lamberts Bay | date of entry into force |
| 50 | South Africa | Langeberg-Garcia | date of entry into force |
| 51 | South Africa | Le Chasseur | 1.2.2002 |
| 52 | South Africa | Limpopo | date of entry into force |
| 53 | South Africa | Lutzville Valley | 1.2.2002 |
| 54 | South Africa | Malgas | date of entry into force |

| | Country | Geographical indication | Priority date |
|----|--------------|-------------------------|--------------------------|
| 55 | South Africa | Malmesbury | 1.2.2002 |
| 56 | South Africa | McGregor | 1.2.2002 |
| 57 | South Africa | Montagu | 1.2.2002 |
| 58 | South Africa | Napier | date of entry into force |
| 59 | South Africa | Northern Cape | date of entry into force |
| 60 | South Africa | Nuy | 1.2.2002 |
| 61 | South Africa | Olifants River | 1.2.2002 |
| 62 | South Africa | Outeniqua | date of entry into force |
| 63 | South Africa | Overberg | 1.2.2002 |
| 64 | South Africa | Paarl | 1.2.2002 |
| 65 | South Africa | Papegaaiberg | 1.2.2002 |
| 66 | South Africa | Philadelphia | date of entry into force |
| 67 | South Africa | Piekenierskloof | 1.2.2002 |
| 68 | South Africa | Plettenberg Bay | date of entry into force |
| 69 | South Africa | Polkadraai Hills | date of entry into force |
| 70 | South Africa | Prince Albert Valley | 1.2.2002 |
| 71 | South Africa | Riebeeckberg | 1.2.2002 |
| 72 | South Africa | Rietrivier FS | 1.2.2002 |
| 73 | South Africa | Robertson | 1.2.2002 |
| 74 | South Africa | Scherpenheuvel | 1.2.2002 |
| 75 | South Africa | Simonsberg-Paarl | 1.2.2002 |
| 76 | South Africa | Simonsberg-Stellenbosch | 1.2.2002 |
| 77 | South Africa | Slanghoek | 1.2.2002 |
| 78 | South Africa | Spruitdrift | 1.2.2002 |
| 79 | South Africa | St Francis Bay | date of entry into force |
| 80 | South Africa | Stanford Foothills | date of entry into force |
| 81 | South Africa | Stellenbosch | 1.2.2002 |
| 82 | South Africa | Stilbaai East | date of entry into force |

| | Country | Geographical indication | Priority date |
|-----|--------------|-----------------------------|--------------------------|
| 83 | South Africa | Stormsvlei | 1.2.2002 |
| 84 | South Africa | Sunday's Glen | date of entry into force |
| 85 | South Africa | Sutherland-Karoo | date of entry into force |
| 86 | South Africa | Swartberg | 1.2.2002 |
| 87 | South Africa | Swartland | 1.2.2002 |
| 88 | South Africa | Swellendam | 1.2.2002 |
| 89 | South Africa | Theewater | date of entry into force |
| 90 | South Africa | Tradouw | 1.2.2002 |
| 91 | South Africa | Tradouw Highlands | date of entry into force |
| 92 | South Africa | Tulbagh | 1.2.2002 |
| 93 | South Africa | Tygerberg | 1.2.2002 |
| 94 | South Africa | Upper Hemel-en-Aarde Valley | date of entry into force |
| 95 | South Africa | Upper Langkloof | date of entry into force |
| 96 | South Africa | Vinkrivier / Vink River | 1.2.2002 |
| 97 | South Africa | Voor Paardeberg | date of entry into force |
| 98 | South Africa | Vredendal | 1.2.2002 |
| 99 | South Africa | Walker Bay | 1.2.2002 |
| 100 | South Africa | Wellington | 1.2.2002 |
| 101 | South Africa | Western Cape | date of entry into force |
| 102 | South Africa | Worcester | 1.2.2002 |

Section A.4. Spirits

| | Country | Geographical indication | Priority date |
|--|---------|-------------------------|---------------|
| | - | - | - |

Section B

Geographical indications of the European Union

Section B.1. Agricultural products and foodstuffs

| | Country | Product category | Geographical indication | Priority date |
|----------------|----------------|--|--|--------------------------|
| 1 | Czech Republic | Fruit, vegetables and cereals fresh or processed | Žatecký chmel | date of entry into force |
| 2 | Denmark | Cheeses | Danablu | date of entry into force |
| 3 | Germany | Fruit, vegetables and cereals fresh or processed | Hopfen aus der Hallertau | date of entry into force |
| 4 | Germany | Fruit, vegetables and cereals fresh or processed | Tettnanger Hopfen | date of entry into force |
| 5 | Germany | Meat products | Nürnberger Bratwürste / Nürnberger Rostbratwürste | date of entry into force |
| 6 ¹ | Greece | Fruit, vegetables and cereals fresh or processed | Ελιά Καλαμάτας / Elia Kalamatas | date of entry into force |
| 7 | Greece | Fruit, vegetables and cereals fresh or processed | Φασόλια Γίγαντες Ελέφαντες Καστοριάς / Fassolia Gigantes Elefantes Kastorias | date of entry into force |

¹ The varietal names 'Kalamon' and 'Kalamata' may continue to be used on similar product, provided the consumer is not misled on the nature of such term or the precise origin of product.

| | Country | Product category | Geographical indication | Priority date |
|----------------|---------|--|--|--------------------------|
| 8 ² | Greece | Cheeses | Φέτα / Feta | date of entry into force |
| 9 | Greece | Cheeses | Γραβιέρα Κρήτης / Graviera Kritis | date of entry into force |
| 10 | Greece | Olive oil | Καλαμάτα / Kalamata | date of entry into force |
| 11 | Greece | Cheeses | Κασέρι / Kasseri | date of entry into force |
| 12 | Greece | Cheeses | Κεφαλογραβιέρα / Kefalograviera | date of entry into force |
| 13 | Greece | Olive oil | Κολυμβάρι Χανίων Κρήτης / Kolyvari Chanion Kritis | date of entry into force |
| 14 | Greece | Fruit, vegetables and cereals fresh or processed | Κονσερβολιά Αμφίσσης / Konservolia Amfissis | date of entry into force |
| 15 | Greece | Fruit, vegetables and cereals fresh or processed | Κορινθιακή Σταφίδα Βοστίτσα / Korinthiaki Stafida Vostitsa | date of entry into force |
| 16 | Greece | Other products (spices etc.) | Κρόκος Κοζάνης / Krokos Kozanis | date of entry into force |
| 17 | Greece | Olive Oil | Λακωνία / Lakonia | date of entry into force |
| 18 | Greece | Natural gums and resins | Μαστίχα Χίου / Masticha Chiou | date of entry into force |
| 19 | Greece | Olive Oil | Σητεία Λασιθίου Κρήτης / Sitia Lasithiou Kritis | date of entry into force |

² Cheese bearing the name "Feta" used in compliance with this Protocol shall be placed on the market of South Africa under the following conditions:

- Protection of Greek origin Feta;
- Coexistence for prior trade marks established by prior use, or under common law, or registered in accordance with South African law;
- For other users, designate South African Feta or Feta-Style, or Feta-Type;
- The phase in within five (5) years of labelling requirements affecting all uses of "Feta" to comply with: i) country of origin requirements; ii) milk animal source labelling requirements; and iii) designation of non-GI products, except those identified for co-existence, as South African Feta or Feta-Style, or Feta-Type and equivalents in other South African languages.

| | Country | Product category | Geographical indication | Priority date |
|-----------------|---------|--|--|--------------------------|
| 20 | Spain | Olive oil | Aceite de Terra Alta / Oli de Terra Alta | date of entry into force |
| 21 | Spain | Olive oil | Aceite del Baix Ebre-Montsià / Oli del Baix Ebre-Montsià | date of entry into force |
| 22 | Spain | Olive oil | Aceite del Bajo Aragón | date of entry into force |
| 23 | Spain | Cheeses | Arzúa-Ulloa | date of entry into force |
| 24 | Spain | Fruit, vegetables and cereals fresh or processed | Azafrán de la Mancha | date of entry into force |
| 25 | Spain | Olive oil | Baena | date of entry into force |
| 26 ³ | Spain | Fruit, vegetables and cereals fresh or processed | Cítricos Valencianos / Cítrics Valencians | date of entry into force |
| 27 | Spain | Meat products | Dehesa de Extremadura | date of entry into force |
| 28 | Spain | Meat products | Guijuelo | date of entry into force |
| 29 | Spain | Cheeses | Idiazábal | date of entry into force |
| 30 | Spain | Meat products | Jamón de Huelva | date of entry into force |
| 31 | Spain | Meat products | Jamón de Teruel | date of entry into force |
| 32 | Spain | Confectionary | Jijona | date of entry into force |
| 33 | Spain | Olive oil | Les Garrigues | date of entry into force |
| 34 | Spain | Cheeses | Mahón-Menorca | date of entry into force |
| 35 | Spain | Olive oil | Priego de Córdoba | date of entry into force |
| 36 | Spain | Cheeses | Queso Manchego | date of entry into force |
| 37 | Spain | Meat products | Salchichón de Vic / Llonganissa de Vic | date of entry into force |
| 38 | Spain | Olive oil | Sierra de Cádiz | date of entry into force |
| 39 | Spain | Olive oil | Sierra de Cazorla | date of entry into force |

³ Varietal names containing or consisting of 'Valencia' may continue to be used on similar product, provided the consumer is not misled on the nature of such term or the precise origin of product.

| | Country | Product category | Geographical indication | Priority date |
|----|---------|------------------|-------------------------|--------------------------|
| 40 | Spain | Olive oil | Sierra de Segura | date of entry into force |
| 41 | Spain | Olive oil | Sierra Mágina | date of entry into force |
| 42 | Spain | Olive oil | Siurana | date of entry into force |

| | Country | Product category | Geographical indication | Priority date |
|----|---------|--|--|--------------------------|
| 43 | Spain | Meat products | Sobrasada de Mallorca | date of entry into force |
| 44 | Spain | Baker's wares | Turrón de Alicante | date of entry into force |
| 45 | France | Cheeses | Brie de Meaux | date of entry into force |
| 46 | France | Cheeses | Camembert de Normandie | date of entry into force |
| 47 | France | Meat products | Canard à foie gras du Sud-Ouest (Chalosse, Gascogne, Gers, Landes, Périgord, Quercy) | date of entry into force |
| 48 | France | Cheeses | Comté | date of entry into force |
| 49 | France | Cheeses | Emmental de Savoie | date of entry into force |
| 50 | France | Olive oil | Huile d'olive de Haute-Provence | date of entry into force |
| 51 | France | Essential oil | Huile essentielle de lavande de Haute-Provence | date of entry into force |
| 52 | France | Fisheries product | Huîtres Marennes Oléron | date of entry into force |
| 53 | France | Meat products | Jambon de Bayonne | date of entry into force |
| 54 | France | Cheeses | Mont d'Or / Vacherin du Haut-Doubs | date of entry into force |
| 55 | France | Fruit, vegetables and cereals fresh or processed | Pruneaux d'Agen / Pruneaux d'Agen mi-cuits | date of entry into force |
| 56 | France | Cheeses | Reblochon / Reblochon de Savoie | date of entry into force |
| 57 | France | Cheeses | Roquefort | date of entry into force |
| 58 | Italy | Sauces | Aceto Balsamico di Modena | date of entry into force |
| 59 | Italy | Sauces | Aceto balsamico tradizionale di Modena | date of entry into force |
| 60 | Italy | Fruit, vegetables and cereals fresh or processed | Arancia Rossa di Sicilia | date of entry into force |
| 61 | Italy | Cheeses | Asiago | date of entry into force |
| 62 | Italy | Meat products | Bresaola della Valtellina | date of entry into force |
| 63 | Italy | Fruit, vegetables and cereals fresh or processed | Cappero di Pantelleria | date of entry into force |

| | Country | Product category | Geographical indication | Priority date |
|----|---------|--|---|--------------------------|
| 64 | Italy | Meat products | Cotechino Modena | date of entry into force |
| 65 | Italy | Cheeses | Fontina | date of entry into force |
| 66 | Italy | Cheeses | Gorgonzola | date of entry into force |
| 67 | Italy | Cheeses | Grana Padano | date of entry into force |
| 68 | Italy | Fruit, vegetables and cereals fresh or processed | Mela Alto Adige / Südtiroler Apfel | date of entry into force |
| 69 | Italy | Meat products | Mortadella Bologna | date of entry into force |
| 70 | Italy | Cheeses | Mozzarella di Bufala Campana | date of entry into force |
| 71 | Italy | Cheeses | Parmigiano Reggiano | date of entry into force |
| 72 | Italy | Cheeses | Pecorino Romano | date of entry into force |
| 73 | Italy | Cheeses | Pecorino Sardo | date of entry into force |
| 74 | Italy | Cheeses | Pecorino Toscano | date of entry into force |
| 75 | Italy | Fruit, vegetables and cereals fresh or processed | Pomodoro di Pachino | date of entry into force |
| 76 | Italy | Meat products | Prosciutto di Modena | date of entry into force |
| 77 | Italy | Meat products | Prosciutto di Parma | date of entry into force |
| 78 | Italy | Meat products | Prosciutto di San Daniele | date of entry into force |
| 79 | Italy | Meat products | Prosciutto Toscano | date of entry into force |
| 80 | Italy | Cheeses | Provolone Valpadana | date of entry into force |
| 81 | Italy | Meat products | Speck Alto Adige / Südtiroler Markenspeck / Südtiroler Speck | date of entry into force |
| 82 | Italy | Cheeses | Taleggio | date of entry into force |
| 83 | Italy | Olive oil | Toscano | date of entry into force |
| 84 | Italy | Olive oil | Veneto Valpolicella / Veneto Euganei e Berici / Veneto del Grappa | date of entry into force |
| 85 | Italy | Meat products | Zampone Modena | date of entry into |

| | Country | Product category | Geographical indication | Priority date |
|----|---------|------------------|--|-----------------------------|
| | | | | force |
| 86 | Cyprus | Baker's wares | Λουκούμι Γεροσκήπου / Loukoumi Geroskipou | date of entry into force |

| | Country | Product category | Geographical indication | Priority date |
|-----|----------------|--|---|--------------------------|
| 87 | Hungary | Meat products | Szegedi szalámi / Szegedi téliszalámi | date of entry into force |
| 88 | Netherlands | Cheeses | Edam Holland | date of entry into force |
| 89 | Netherlands | Cheeses | Gouda Holland | date of entry into force |
| 90 | Austria | Cheeses | Tiroler Bergkäse | date of entry into force |
| 91 | Austria | Meat products | Tiroler Speck | date of entry into force |
| 92 | Portugal | Fruit, vegetables and cereals fresh or processed | Ananás dos Açores / São Miguel | date of entry into force |
| 93 | Portugal | Olive oil | Azeite de Moura | date of entry into force |
| 94 | Portugal | Olive oil | Azeite do Alentejo Interior | date of entry into force |
| 95 | Portugal | Olive oil | Azeites da Beira Interior (Azeite da Beira Alta, Azeite da Beira Baixa) | date of entry into force |
| 96 | Portugal | Olive oil | Azeite de Trás-os-Montes | date of entry into force |
| 97 | Portugal | Olive oil | Azeites do Norte Alentejano | date of entry into force |
| 98 | Portugal | Olive oil | Azeites do Ribatejo | date of entry into force |
| 99 | Portugal | Meat products | Chouriça de Carne de Vinhais / Linguiça de Vinhais | date of entry into force |
| 100 | Portugal | Fruit, vegetables and cereals fresh or processed | Pêra Rocha do Oeste | date of entry into force |
| 101 | Portugal | Meat products | Presunto de Barrancos | date of entry into force |
| 102 | Portugal | Cheeses | Queijo S. Jorge | date of entry into force |
| 103 | Portugal | Cheeses | Queijo Serra da Estrela | date of entry into force |
| 104 | Portugal | Meat products | Salpicão de Vinhais | date of entry into force |
| 105 | United Kingdom | Cheeses | White Stilton cheese / Blue Stilton cheese | date of entry into force |

Section B.2. Beers

| | Country | Geographical indication | Priority date |
|---|----------------|-------------------------|--------------------------|
| 1 | Czech Republic | České pivo | date of entry into force |
| 2 | Czech Republic | Českobudějovické pivo | date of entry into force |
| 3 | Germany | Bayerisches Bier | date of entry into force |
| 4 | Germany | Bremer Bier | date of entry into force |
| 5 | Germany | Münchener Bier | date of entry into force |

Section B.3. Wines

| | Country | Geographical indication | Priority date |
|-----------------|---------|-------------------------------------|--------------------------|
| 1 | Germany | Franken | 1.2.2002 |
| 2 | Germany | Mittelrhein | 1.2.2002 |
| 3 | Germany | Mosel | 1.2.2002 |
| 4 | Germany | Rheingau | 1.2.2002 |
| 5 | Germany | Rheinhessen | 1.2.2002 |
| 6 | Greece | Αμόνταιο / Amynteo | date of entry into force |
| 7 | Greece | Κρήτη / Crete | date of entry into force |
| 8 | Greece | Μακεδονία / Macedonia | date of entry into force |
| 9 | Greece | Μαντινεία / Mantinia | date of entry into force |
| 10 | Greece | Νάουσα / Naoussa | date of entry into force |
| 11 | Greece | Νεμέα / Nemea | date of entry into force |
| 12 | Greece | Πελοπόννησος / Peloponnese | date of entry into force |
| 13 ⁴ | Greece | Ρετσίνα Αττικής / Retsina of Attiki | date of entry into force |
| 14 | Greece | Ρόδος / Rhodes | date of entry into force |

⁴ In South Africa this product is classified as "flavoured grape liquor".

| | Country | Geographical indication | Priority date |
|----|---------|---|--------------------------|
| 15 | Greece | Σάμος / Samos | date of entry into force |
| 16 | Greece | Σαντορίνη / Santorini | date of entry into force |
| 17 | Greece | Στερεά Ελλάδα / Sterea Ellada | date of entry into force |
| 18 | Greece | Θράκη / Thrace | date of entry into force |
| 19 | Spain | Cataluña | date of entry into force |
| 20 | Spain | Cava | 1.2.2002 |
| 21 | Spain | Empordà | date of entry into force |
| 22 | Spain | Jerez-Xérès-Sherry / Jerez / Xérès / Sherry | 2.2.1659 |
| 23 | Spain | Jumilla | 1.2.2002 |
| 24 | Spain | La Mancha | 1.2.2002 |
| 25 | Spain | Málaga | 1.2.2002 |
| 26 | Spain | Manzanilla-Sanlúcar de Barrameda / Manzanilla | 1.2.2002 |
| 27 | Spain | Navarra | 1.2.2002 |
| 28 | Spain | Penedès | 1.2.2002 |
| 29 | Spain | Priorat | 1.2.2002 |
| 30 | Spain | Rías Baixas | 1.2.2002 |
| 31 | Spain | Ribera del Duero | 1.2.2002 |
| 32 | Spain | Rioja | 1.2.2002 |
| 33 | Spain | Rueda | 1.2.2002 |
| 34 | Spain | Somontano | 1.2.2002 |
| 35 | Spain | Toro | 1.2.2002 |
| 36 | Spain | Utiel-Requena | 1.2.2002 |
| 37 | Spain | Valdepeñas | 1.2.2002 |
| 38 | Spain | Valencia | 1.2.2002 |
| 39 | France | Alsace | 1.2.2002 |
| 40 | France | Anjou | 1.2.2002 |
| 41 | France | Beaujolais | 1.2.2002 |

| | Country | Geographical indication | Priority date |
|----|---------|--|---------------|
| 42 | France | Beaune / Côte de Beaune | 1.2.2002 |
| 43 | France | Bordeaux | 1.2.2002 |
| 44 | France | Bourgogne | 1.2.2002 |
| 45 | France | Cahors | 1.2.2002 |
| 46 | France | Chablis | 1.2.2002 |
| 47 | France | Chambertin | 1.2.2002 |
| 48 | France | Champagne | 26.6.1935 |
| 49 | France | Châteauneuf-du-Pape | 1.2.2002 |
| 50 | France | Clos de Vougeot | 1.2.2002 |
| 51 | France | Corton | 1.2.2002 |
| 52 | France | Côte Rôtie | 1.2.2002 |
| 53 | France | Côtes de Provence | 1.2.2002 |
| 54 | France | Côtes du Rhône | 1.2.2002 |
| 55 | France | Côtes du Roussillon | 1.2.2002 |
| 56 | France | Graves / Graves de Vayres | 1.2.2002 |
| 57 | France | Crozes-Hermitage / Crozes-Ermitage / Hermitage / l'Hermitage / Ermitage / l'Ermitage | 1.2.2002 |
| 58 | France | Languedoc | 1.2.2002 |
| 59 | France | Margaux | 1.2.2002 |
| 60 | France | Médoc / Haut-Médoc | 1.2.2002 |
| 61 | France | Meursault | 1.2.2002 |
| 62 | France | Montrachet | 1.2.2002 |
| 63 | France | Moselle | 1.2.2002 |
| 64 | France | Musigny | 1.2.2002 |
| 65 | France | Nuits / Nuits-Saint-Georges / Côte de Nuits-Villages | 1.2.2002 |
| 66 | France | Pays d'Oc | 1.2.2002 |
| 67 | France | Pessac-Léognan | 1.2.2002 |
| 68 | France | Pomerol | 1.2.2002 |

| | Country | Geographical indication | Priority date |
|----|---------|--|--------------------------|
| 69 | France | Pommard | 1.2.2002 |
| 70 | France | Quincy | 1.2.2002 |
| 71 | France | Romanée Conti | 1.2.2002 |
| 72 | France | Saint-Estèphe | 1.2.2002 |
| 73 | France | Saint-Émilion | 1.2.2002 |
| 74 | France | Saint-Julien | 1.2.2002 |
| 75 | France | Sancerre | 1.2.2002 |
| 76 | France | Sauternes | 1.2.2002 |
| 77 | France | Touraine | 1.2.2002 |
| 78 | France | Val de Loire | 1.2.2002 |
| 79 | France | Volnay | 1.2.2002 |
| 80 | Italy | Asti | 1.2.2002 |
| 81 | Italy | Barbaresco | 1.2.2002 |
| 82 | Italy | Bardolino / Bardolino Superiore | 1.2.2002 |
| 83 | Italy | Barolo | 1.2.2002 |
| 84 | Italy | Brachetto d'Acqui / Acqui | 1.2.2002 |
| 85 | Italy | Brunello di Montalcino | 1.2.2002 |
| 86 | Italy | Campania | 1.2.2002 |
| 87 | Italy | Chianti | 1.2.2002 |
| 88 | Italy | Conegliano Valdobbiadene – Prosecco / Conegliano – Prosecco / Valdobbiadene – Prosecco | date of entry into force |
| 89 | Italy | Alba | 1.2.2002 |
| 90 | Italy | Franciacorta | 1.2.2002 |
| 91 | Italy | Lambrusco di Sorbara | 1.2.2002 |
| 92 | Italy | Lambrusco Grasparossa di Castelvetro | 1.2.2002 |
| 93 | Italy | Marsala | 1.2.2002 |
| 94 | Italy | Montepulciano d'Abruzzo | 1.2.2002 |
| 95 | Italy | Sicilia | 1.2.2002 |

| | Country | Geographical indication | Priority date |
|-----|----------|---|--------------------------|
| 96 | Italy | Soave | 1.2.2002 |
| 97 | Italy | Toscano / Toscana | 1.2.2002 |
| 98 | Italy | Valpolicella | 1.2.2002 |
| 99 | Italy | Veneto | 1.2.2002 |
| 100 | Italy | Vino Nobile di Montepulciano | 1.2.2002 |
| 101 | Cyprus | Κουμανδαρία / Commandaria | date of entry into force |
| 102 | Cyprus | Πάφος / Pafos | date of entry into force |
| 103 | Hungary | Tokaj / Tokaji | date of entry into force |
| 104 | Portugal | Alentejo | 1.2.2002 |
| 105 | Portugal | Algarve | 1.2.2002 |
| 106 | Portugal | Bairrada | 1.2.2002 |
| 107 | Portugal | Dão | 1.2.2002 |
| 108 | Portugal | Douro | 1.2.2002 |
| 109 | Portugal | Lisboa | date of entry into force |
| 110 | Portugal | Madeira / Madera / Vinho da Madeira / Madeira Wein / Madeira Wine / Vin de Madère / Vino di Madera / Madeira Wijn | 1.2.2002 |
| 111 | Portugal | Moscatel de Setúbal | 1.2.2002 |
| 112 | Portugal | Porto / Oporto / Vinho do Porto / Vin de Porto / Port / Port Wine / Portwein / Portvin / Portwijn | 2.2.1659 |
| 113 | Portugal | Tejo | date of entry into force |
| 114 | Portugal | Vinho Verde | 1.2.2002 |
| 115 | Romania | Cotești | date of entry into force |
| 116 | Romania | Cotnari | date of entry into force |
| 117 | Romania | Dealul Mare | date of entry into force |
| 118 | Romania | Murfatlar | date of entry into force |
| 119 | Romania | Târnave | date of entry into force |
| 120 | Slovakia | Vinohradnícka oblasť Tokaj | date of entry into force |

Section B.4. Spirits

| | Country | Geographical indication | Priority date |
|----|---|--|--------------------------|
| 1 | Ireland | Irish Cream | 1.2.2002 |
| 2 | Ireland | Irish Whiskey / Uisce Beatha Eireannach / Irish Whisky | 1.2.2002 |
| 3 | Greece | Τσίπουρο / Tsipouro | 1.2.2002 |
| 4 | Spain | Brandy de Jerez | 1.2.2002 |
| 5 | Spain | Pacharán Navarro | 1.2.2002 |
| 6 | France | Armagnac | 1.2.2002 |
| 7 | France | Calvados | 1.2.2002 |
| 8 | France | Cognac | 1.2.2002 |
| 9 | France | Rhum de la Martinique | 1.2.2002 |
| 10 | Italy | Grappa | 1.2.2002 |
| 11 | Cyprus | Ζιβανία / Τζιβανία / Ζιβάνα / Zivania | date of entry into force |
| 12 | More than one (1) country: Hungary and Austria | Pálinka | date of entry into force |
| 13 | Hungary | Törkölypálinka | date of entry into force |
| 14 | Austria | Inländerrum | date of entry into force |
| 15 | Austria | Jägertee / Jagertee / Jagatee | 1.2.2002 |
| 16 | Poland | Polska Wódka / Polish Vodka | date of entry into force |
| 17 | Finland | Vodka of Finland / Suomalainen Vodka / Finsk Vodka | 1.2.2002 |
| 18 | Sweden | Svensk Vodka / Swedish Vodka | 1.2.2002 |
| 19 | United Kingdom | Scotch Whisky | 1.2.2002 |
| 20 | More than one country: Belgium, Germany, Austria | Korn / Kornbrand | 1.2.2002 |
| 21 | More than one country: Greece, Cyprus | Ούζο / Ouzo | 1.2.2002 |

Annex II to Protocol 3

Importation and marketing of wine products and spirits originating in South Africa and the EU

Section A

Products originating in South Africa

Section A.1 Oenological practices and restrictions and product definitions referred to in Article 11(1) of this Protocol

For the purposes of Article 11 and Annex II, Section A.1(a) of this Protocol, the term "product definitions" does not cover production methods or oenological practices and restrictions, which are covered by paragraphs (b) and (c).

The addition of alcohol spirit is excluded for all wines other than liqueur wines, to which only grape spirit may be added.

(a) Laws and regulations concerning product definitions:

Statute: Liquor Products Act 60 (No 60 of 1989) as last amended by the Liquor Products Amendment Act 32 (No 32 of 2008):

– Sections 1 and 5.

Regulations: Liquor Products Act 60 (No 60 of 1989) – Regulations, GG 12558 of 29.6.1990, as last amended by GN R525, GG 35501 of 13.7.2012:

– Sections 1, 3, 4 and 5,

– Table 2.

Wine of origin scheme: Liquor Products Act 60 (No 60 of 1989) – Wine of origin scheme, GG 12558 of 29 June 1990 as last amended by GN R526, GG 35501 of 13.7.2012:

– Section 1,

– Sections 8 to 14N inclusive,

– Section 20.

(b) Laws and regulations concerning oenological practices and restrictions:

Statute: Liquor Products Act 60 (No 60 of 1989) as last amended by the Liquor Products Amendment Act 32 (No 32 of 2008), including subsequent modifications:

– Sections 1 and 5.

Regulations: Liquor Products Act 60 (No 60 of 1989) – Regulations, GG 12558 of 29.6.1990, as last amended by GN R525, GG 35501 of 13.7.2012, including subsequent modifications:

– Sections 1, 2, 3, 4, 5, 30, 31 and 32,

– Tables 1, 2, 6, 7, and 13.

Wine of origin scheme: Liquor Products Act 60 (No 60 of 1989) – Wine of origin scheme, GG 12558 of 29 June 1990 as last amended by GN R526, GG 35501 of 13.7.2012, including subsequent modifications:

- Sections 17 and 20,
- Tables 1, 2 and 4.

(c) Additional oenological practices and restrictions:

1. Agar-agar.

Agar-agar may be used on a temporary basis, pending a determination by the OIV of its admissibility in wine making (Table 6 of Liquor Products Act 60 (No 60 of 1989) – Regulations).

2. Concentrated grape must and rectified concentrated grape must.

Concentrated grape must and rectified concentrated grape must may be used for enrichment and sweetening under specific and limited conditions laid down in South African regulations, subject to the exclusion of use of these products in a reconstituted form in wines covered by this protocol. (Table 6 of Liquor Products Act 60 (No 60 of 1989) – Regulations).

3. Addition of water

The addition of water in winemaking is excluded, except where required on account of a specific technical necessity.

4. Hydrogen peroxide

The use of hydrogen peroxide as referred to in South African regulations (Table 6 of Liquor Products Act 60 (No 60 of 1989) – Regulations) is limited to use in grape juice, grape concentrate or grape must.

5. Tartaric acid

The use of tartaric acid, for acidification purposes as referred to in South African regulations (Table 6 of Liquor Products Act 60 (No 60 of 1989) – Regulations), is authorised provided that the initial acidity content is not raised by more than 4.0 grams per litre expressed as tartaric acid.

Section A.2. Documentation and certification referred to in Article 12(1) of this Protocol

Certification documents and analysis report

- (a) The European Union shall authorise the importation in its territory of wines in accordance with the rules governing the import certification documents and analysis reports as provided for according to the terms of the Appendix hereto.
- (b) The European Union agrees not to submit the import of wine originating in the territory of South Africa to more restrictive import certification requirements than any of those laid down in this Protocol.
- (c) The European Union shall authorise the importation in its territory of spirits in accordance with the rules governing the import certification document and analysis reports as provided for in its internal legislation.

Section B

Products originating in the European Union

Section B.1. Oenological practices and restrictions and product definitions referred to in Article 11(2) of this Protocol

The addition of alcohol spirit is excluded for all wines other than fortified wines, to which only grape spirit may be added.

- (a) Laws and regulations concerning product definitions:
 - (i) Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671), in particular production rules in the wine sector, in accordance with Articles 75, 78 80, 81, 83 and 91 and Annex VII, Part II of that Regulation.
 - (ii) Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions (OJ L 193, 24.7.2009, p. 1), in particular Article 2 and Annex II and III of that Regulation.

- (iii) Commission regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products (OJ L 193, 24.7.2009, p. 60), in particular Articles 7, 57, 58, 64 and 66 and Annexes XIII, XIV and XVI of that Regulation.

- (b) Laws and regulations concerning oenological practices and restrictions:
 - (i) Council Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671), in particular production rules in the wine sector, in accordance with Articles 75, 80, 83 and 91 and Annex VIII, Part I and II of that Regulation, including subsequent modifications.

 - (ii) Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions (OJ L 193, 24.7.2009, p. 1), including subsequent modifications.

(c) Additional oenological practices and restrictions:

1. Calcium sulphate.

Calcium sulphate may be used for "vino generoso (de licor)", limits of 2.5 g/l as potassium sulphate in the final product (point A(2)(b) of Annex III of Regulation (EC) No 606/2009).

2. Carboxymethylcellulose (CMC)

Carboxymethylcellulose (CMC) may be used for red wine for tartaric stabilisation, up to a limit of 100 mg/l, pending a determination by the OIV of its admissibility in wine making.

3. Concentrated grape must, rectified concentrated grape must and sucrose.

Concentrated grape must, rectified concentrated grape must and sucrose, may be used for enrichment and sweetening under specific and limited conditions (Annex VIII, Part I of Regulation (EU) No 1308/2013), subject to the exclusion of use of these products in a reconstituted form in wines covered by this Protocol.

4. Addition of water

The addition of water in winemaking is excluded, except where required on account of a specific technical necessity.

5. Fresh lees

Fresh lees may be used under specific and limited conditions (point 21 of annex I A of Regulation (EC) No 606/2009).

6. Tannin

Tannins may be used on a temporary basis (point 25 of Annex I A of Regulation (EC) No 606/2009), pending a determination by the OIV of its admissibility in wine making as antioxidant and stabilizer.

Section B.2. Documentation and certification referred to in Article 12(2) of this Protocol

Certification documents and analysis report

- (a) South Africa shall authorise the importation in its territory of wines in accordance with the rules governing the import certification documents and analysis reports as provided for according to the terms of the Appendix hereto.
- (b) South Africa agrees not to submit the import of wine originating in the territory of the European Union to more restrictive import certification requirements than any of those laid down in this Protocol.
- (c) South Africa shall authorise the importation in its territory of spirits in accordance with the rules governing the import certification document and analysis reports as provided for in its internal legislation.

Section C

Specific rules on importation, labelling and marketing applicable to products of either Party imported into the other Party

1. Retsina

Nothing in this Protocol shall prevent the marketing in South Africa of 'Retsina' originating in Greece and produced in accordance with European Union rules. It shall be regarded, for the purpose of importing and marketing in South Africa, as 'flavoured grape liquor' in terms of South African legislation.

2. Gold Flakes

Nothing in this Protocol shall prevent the marketing in the European Union of alcoholic beverages (whether or not effervescent) derived from grapes to which food grade gold flakes have been added, but such alcoholic beverage cannot be labelled or otherwise marketed as any type of wine.

3. Vine varieties

Vine varieties that may be used in wines imported and marketed in the territory of the Parties are varieties of plants of *Vitis vinifera* and hybrids of *Vitis vinifera* without prejudice to any more restrictive legislation which a Party may have in respect of wine produced on its territory. The import and marketing of wine obtained from the varieties Clinton, Herbemont, Isabelle, Jacquez, Noah and Othello shall be prohibited.

4. Environmentally harmonious production methods on labels

The Parties agree to allow terms that indicate environmentally harmonious production methods on labels for wine if the use of those terms is regulated in the country of origin. Labels referring to organic production are not covered by this paragraph.

5. Names of States

The following names are protected with regard to wines and spirits:

- (a) references to the name of a Member State of the European Union for wines and spirits originating in the Member State concerned,
- (b) the name South Africa or other names used to indicate South Africa for wines and spirits originating therein.

6. Mutual assistance between enforcement authorities

Each Party shall designate the bodies and authorities to be responsible for the application of this Protocol. Where a Party designates more than one competent body, it shall ensure the coordination of the work of those bodies. For this purpose, a single liaison authority shall be designated.

The Parties shall inform one another of the names and addresses of the bodies and authorities referred to in the first paragraph not later than six (6) months after the date of entry into force of this Protocol. There shall be close and direct cooperation between those bodies.

The bodies and authorities referred to in the first paragraph shall seek ways of improving assistance to each other in the application of this Protocol in order to combat fraudulent practices.

7. Safeguard provisions

The Parties reserve the right to introduce temporary additional import certification requirements for wines and spirits imported from the other Party in response to legitimate public policy concerns, such as health or consumer protection or in order to act against fraud. In this case, the other Party shall be given adequate information in sufficient time to permit the fulfilment of the additional requirements.

The Parties agree that such requirements shall not extend beyond the period of time necessary to respond to the particular public policy concern in response to which they were introduced.

8. Labelling terms and traditional terms

The Parties recognise the importance attached to the use of labelling terms and traditional terms to describe wines placed on their respective markets. The Parties agree to continue to work together on this issue pursuant to Article 14 of this Protocol. The Parties agree to examine the objectives, principles and application to certain specific cases, with a view to reaching agreement within two (2) years of entry into force that shall be incorporated into this Protocol. Pending such agreement, the use of these terms on product imported from the other Party shall be subject to the rules, procedures and practices of the importing Party whether or not these terms constitute classes of wine or terms provided for in the legislation of the exporting Party referred to under Article 11 of this Protocol.

Within the European Union, with regard to the provisions of Regulation (EC) No 261/2006, the traditional terms "Ruby", "Tawny" and "Vintage" therein specified may be used in labelling of fortified wines concerned, in line with their definition as laid down in South African law, in combination with any of the GIs listed in Annex I Section A.3 for which the fortified wine qualifies and for which the geographical indication is located in the Eastern, Northern or Western Cape Provinces. That fortified wine shall be labelled with the relevant geographical indication and with the traditional term hyphenated or otherwise in visual combination with the term "Cape".

APPENDIX to Annex II

Import certification and analysis documentation

1. Pursuant to Sections A.2 (a) and B.2 (a) of this Annex, the evidence that the requirements for the importation of wine in the territory of a Party have been fulfilled shall be supplied to the competent authorities of the importing 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 Parties shall mutually determine the specific details of these rules referred to in paragraph 1, in particular the forms to be used and the information to be given⁵.

3. In applying paragraph 6 of Section C of Annex II, the Parties agree that the methods of analysis recognised as reference methods by the OIV and published by that Organization 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.

⁵ To be done through a decision of the Special Committee established under Article 13 of this Protocol.

DECLARATIONS

JOINT DECLARATION BY EU AND SOUTH AFRICA ON BOTTLE SIZES AND ALCOHOLIC STRENGTHS OF SPIRITS

The Parties hereby declare that bottle sizes and minimum alcoholic strengths by volume for release for human consumption of spirit drinks should not unnecessarily burden exporters in both Parties. They further declare that they will encourage further harmonisation.

JOINT DECLARATION BY EU AND SOUTH AFRICA
ON CERTIFICATION AND ANALYSIS

The Parties hereby declare that the following parameters are subject to analysis for spirit import certification procedures provided for under South Africa's rules on spirit importation procedures:

(a) Spirits other than those referred to points (b) and (c):

% of alcoholic strength by volume,
content of methyl alcohol per hectolitre of 100 % vol alcohol,
quantity of volatile substances per hectolitre of 100 % vol alcohol.

(b) Blended whisky:

% of alcoholic strength by volume,
content of methyl alcohol per hectolitre of 100 % vol alcohol,
quantity of volatile substances per hectolitre of 100 % vol alcohol,
higher alcohols amyl alcohol per hectolitre absolute alcohol.

(c) Spirit based beverages:

(i) Liqueur, spirit cocktail:

% of alcoholic strength by volume,
content of methyl alcohol per hectolitre of 100 % vol alcohol,
residual sugar g/litre

(ii) Spirit cooler:

% of alcoholic strength by volume,
content of methyl alcohol per hectolitre of 100 % vol alcohol,
total sulphur dioxide,
volatile acidity, expressed as acetic acid

(iii) Cream liqueur:

% of alcoholic strength by volume,
content of methyl alcohol per hectolitre of 100 % vol alcohol,
residual sugar,
butterfat

(iv) Other:

% of alcoholic strength by volume,
content of methyl alcohol per hectolitre of 100 % vol alcohol.

DECLARATION BY THE EU
ON THE USE OF THE GEOGRAPHICAL INDICATION SYMBOL

The EU hereby declares that it may consider duly motivated requests from South Africa for the names protected under Annex I Section A.1 of this Protocol, to be eligible to be marketed in the EU accompanied by the symbol designating protected GIs.

DECLARATION BY SOUTH AFRICA
ON CHEESE STANDARDS

South Africa declares that in a forthcoming amendment of its labelling provisions for cheese products, and within ten (10) years of the entry into force of this Protocol, South Africa shall take into account the product specifications of cheese products designated by GIs listed in Annex I, Section B.1 of this Protocol to ensure that they can be marketed in South Africa under the appropriate designations.