

**No. 49635**

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**European Community  
and  
United States of America**

**Agreement in the form of an exchange of letters between the European Community and the United States of America on matters related to trade in wine. Brussels, 23 November 2005**

**Entry into force:** *23 November 2005 by the exchange of the said letters, in accordance with the provisions of the said letters*

**Authentic text:** *English*

**Registration with the Secretariat of the United Nations:** *Council of the European Union, 8 June 2012*

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**Communauté européenne  
et  
États-Unis d'Amérique**

**Accord sous forme d'échange de lettres entre la Communauté européenne et les États-Unis d'Amérique sur des questions concernant le commerce du vin. Bruxelles, 23 novembre 2005**

**Entrée en vigueur :** *23 novembre 2005 par l'échange desdites lettres, conformément aux dispositions desdites lettres*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Conseil de l'Union européenne, 8 juin 2012*

AGREEMENT  
IN THE FORM OF AN EXCHANGE OF LETTERS  
BETWEEN THE EUROPEAN COMMUNITY AND  
THE UNITED STATES OF AMERICA  
ON MATTERS RELATED TO TRADE IN WINE

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A. Letter from the Community

Brussels, 23 November 2005

Sir,

I have the honour to confirm the following understanding reached between the European Community (hereinafter the "Community") and the United States of America (hereinafter the "United States") in connection with the Agreement between the European Community and the United States of America on Trade in Wine (the "Wine Agreement") initialled on 14 September 2005.

1. Taking into account the need not to disrupt trade in wine between the Parties pending the entry into force of the Wine Agreement and in particular the date of application of its Articles 4 and 9 as provided for in its Article 17(2), the Community shall continue to apply:
  - (a) its authorisations regarding wine-making practices in effect as of the date of this letter for wines originating in the United States set forth in Council Regulation (EC) No 1037/2001, and prolonged by Council Regulation (EC) No 2324/2003; and
  - (b) the certification requirements in effect as of the date of this letter specified in Commission Regulation (EC) No 883/2001.

2. Provided that the conditions in paragraphs 1(a) and 1(b) are satisfied, the United States shall not restrict, on the basis of either wine-making practices or product specifications, the importation, marketing or sale of wine originating in the territory of the Community that is produced using wine-making practices and procedures that are authorised under laws, regulations and requirements of the Community as of the date of this letter, and the United States accepts those practices and procedures within the meaning of Section 2002(a)(1)(B) of US Public Law 108-429. This undertaking by the United States is with respect to wine that falls within the scope of the Wine Agreement and, in particular, Article 3 thereof. Measures taken by either Party for the protection of human health and safety are outside the scope of this undertaking. The agreement hereinafter described does not contain any requirement for a certification by the Community that the practices and procedures used to produce wine in the Community constitute proper cellar treatment within the meaning of Section 2002 of US Public Law 108-429.
3. Recognising that the Wine Agreement does not apply to wines with an alcohol content of less than 7 percent (7%) by volume, but also recognising that such wine originating in the territory of the Community is produced using the wine-making practices and procedures that are authorised under laws, regulations and requirements of the Community listed in Annex I of the Wine Agreement, the United States accepts those practices and procedures with respect to such wine within the meaning of Section 2002(a)(1)(B) of US Public Law 108-429 for so long as either the conditions of paragraphs 1(a) and 1(b) above are satisfied or Articles 4 and 9 of the Wine Agreement are in force. Furthermore, the agreement hereinafter described does not contain any requirement for certification by the Community that the practices and procedures used to produce wine with an alcohol content of less than 7 percent (7%) by volume in the Community constitute proper cellar treatment within the meaning of section 2002(a)(1)(B) of US Public Law 108-429. Measures taken by either Party for the protection of human health and safety are outside the scope of this undertaking.