



# EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SME's

Single Market for goods

Prevention of Technical Barriers

Brussels,  
AP/PMG – grow.ddg2.c.3(2015)665923

## E-MAIL

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**Number of pages:** 1 + 2

**Subject:** G/TBT/N/BRA/613 – Draft Ordinance Act Nº. 374, 27 November 2014 (Portaria SDA/MAPA 374/2014). Establishes quality requirements for wine and derivatives of grape and wine – EU comments

### Message:

Dear Sir or Madam

Please find attached the comments from the European Union on the above-mentioned notification.

Could you please acknowledge receipt of this e-mail? Thank you.

Yours faithfully

  
Giuseppe Casella  
Head of Unit

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## **COMMENTS FROM THE EUROPEAN UNION REGARDING NOTIFICATION**

**G/TBT/N/BRA/613**

**DRAFT ORDINANCE ACT Nº. 374, 27 NOVEMBER 2014**

**ESTABLISHES QUALITY REQUIREMENTS FOR WINE AND DERIVATIVES OF GRAPE AND WINE  
(PORTARIA SDA/MAPA 374/2014)**

The European Union (EU) would like to thank the Brazilian authorities for providing the opportunity to comment on the draft Ordinance Act No 374, establishing quality requirements for wine and derivatives of grape and wine, notified on 12 December 2014.

As a preliminary remark, the EU would like to recall that according to Article 2.9.4 of the TBT Agreement, Members shall, without discrimination, allow reasonable time for other Members to make comments on notified draft technical regulations. Furthermore, in its recommendation G/TBT/9 of 13 November 2000, the TBT Committee agreed that the normal time limit for comments on notifications should be at least 60 days.

Having examined the notified draft of the Brazilian authorities, the EU would like to raise the issues below.

### **1. Grape varieties**

The EU notes that Article 44-II of the notified draft requires a minimum content of 25% for indicating a grape variety of lower share on the label. The International Wine Organisation (OIV), of which Brazil is a member, provides for a minimum content for the variety of lower share of 15% (OIV - International standard for the labelling of wines Point 3.1.4 <http://www.oiv.int/oiv/info/enplublicationoiv?lang=en>). The EU notes that setting different requirements on labelling could entail higher costs for producers and hinder trade.

In this respect the EU would like to recall Article 2.4 of the TBT Agreement that states *"where technical regulations are required and relevant international standards exist or their completion is imminent, Members shall use them, or the relevant parts of them, as a basis for their technical regulations, except when such international standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued, for instance because of the fundamental climatic or geographical factors or fundamental technological problems"*.

### **2. Use of caramel**

The EU notes that the notified draft, in its Article 64-V, allows for the use of caramel for colour correction only in liqueur wines and not in wine-derived distillates, such as wine spirits and brandies. The EU would like to ask the Brazilian authorities to share the reasons which justify this distinction between liqueur wines and other wine-derived distillates.

### 3. Allowed terms on labels

The EU notes that Article 17 paragraph 2 of the notified draft forbids the use of terms such as "*dry*" or "*reserve*" on the label of grape and wine derivatives. The indication of the term "*reserve*" on the label of some wine distillates and the term "*dry*" for some aromatized wine products is subject to specific prescriptions in the EU. In this respect the EU would like to know to what extent the imports of EU products indicating the terms "*reserve*" or "*dry*" on the label would continue to be allowed in Brazil.

According to Article 43 of the notified text, the indication "*wine*" on the label should be followed by the corresponding classification related to colour and total sugar content, whereas there is no such obligation in international labelling standards (OIV - International standard for the labelling of wines, and *CODEX STAN 1-1985 and revisions*). The EU would like to ask the Brazilian authorities to share the rationale for this diverging requirement.

### 4. Sangria

The EU notes that Article 102 of the notified draft establishes that sangria must have a minimum alcohol content of 7%. Moreover, according to Article 105 of the notified draft, sangria must contain at least 60% by volume of wine. The EU would like to ask the Brazilian authorities to share the reasons which justify the adoption of such high minimum levels of alcohol and wine content.

### 5. References to vine variety names

The EU notes that Articles 62 and 63 use the term "*moscato*", which is a vine variety, as a category of products. This double use may be misleading for consumers. Therefore, the EU would like to ask the Brazilian authorities to reconsider the use of this term as a denomination of a product category.

### 6. References to protected names

The EU would like to draw the attention of Brazil to the fact that names used in Articles 2, 81 to 97 and in several parts of the annex, like "*conhaque*", "*grappa*" and "*champanha*", are protected names in the EU or are evocations of such names. These products are produced in specific areas of origin in the EU and according to strict manufacturing criteria. They are very well known by consumers throughout the entire world as quality products produced in specific areas. Therefore, the use of those names for the description of other products not in compliance with those criteria is misleading for the consumer.

The EU would be grateful if the above-mentioned comments could be taken into account and replied to.