

# European Union Distilled Spirits and Spirit Drinks Agreement

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*Brussels, March 15, 1994*

Sir,

I have the honour to refer to recent discussions between representatives of the European Community (EC) and the United States of America (USA) relating to the issue of recognition of distilled spirits/spirit drinks. These discussions have resulted in the conclusions outlined hereafter:

A. The USA agrees to restrict, within its regulatory framework (27 CFR 5.22 or an equivalent successor regulation), the use of the product designations: "Scotch whisky", "Irish whiskey"/"Irish whisky", "Cognac", "Armagnac", "Calvados" and "Brandy de Jerez" to distilled spirits/spirit drinks products of the Member States of the EC, produced in compliance with Council Regulation (EEC) No 1 576/89 and with the laws of the Member States in which those products originate. Further, it is recognized that these products shall continue to be subject to all of the labelling requirements of the USA.

B. The EC agrees to restrict, within its regulatory framework (Council Regulation (EEC) No 1 576/89, Article 11 or an equivalent successor regulation), the use of the product designations: "Tennessee whisky"/"Tennessee whiskey", "Bourbon whisky"/"Bourbon whiskey" and "Bourbon" as a designation for Bourbon whisk(e)y to distilled spirits/spirit drinks products of the USA produced in compliance with the laws and regulations of the USA (27 CFR 5.22 or an equivalent successor regulation). Further, it is recognized that these whiskies shall continue to be subject to all of the labelling requirements of the EC.

C. The USA and the EC agree to meet at a mutually convenient time in the future to discuss the possibilities of extending restrictive recognition to additional distilled spirits/spirit drinks products which either Party may propose for such consideration. This willingness to meet and consider such requests is without prejudice to the rights and rulemaking processes of either Party.

D. Both Parties agree to consult, upon request, regarding the operation of this Agreement.

E. Both Parties agree to implement within sixty days of the date of your confirmatory reply all regulatory or administrative measures necessary to fulfill the obligations outlined in Paragraphs A and B above.

F. Either Party may terminate this Agreement by written notification to the other Party. This Agreement shall expire twelve months after the date of such notification.

I have the honour to propose that, if the foregoing is acceptable to your government, this letter and your confirmatory reply shall together constitute and evidence an agreement between the EC and the USA on this matter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council of the European Union

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*Washington, March 25, 1994*

Sir,

I have the honour to refer to your letter of March 15, 1994 which reads as follows:

"I have the honour to refer to recent discussions between representatives of the European Community (EC) and the United States of America (USA) relating to the issue of recognition of distilled spirits/spirit drinks. These discussions have resulted in the conclusions outlined hereafter:

A. The USA agrees to restrict, within its regulatory framework (27 CFR 5.22 or an equivalent successor regulation), the use of the product designations: "Scotch whisky", "Irish whiskey"/"Irish whisky", "Cognac", "Armagnac", "Calvados" and "Brandy de Jerez" to distilled spirits/spirit drinks products of the Member States of the EC, produced in compliance with Council Regulation (EEC) No 1576/89 and with the laws of the Member States in which those products originate. Further, it is recognized that these products shall continue to be subject to all of the labelling requirements of the USA.

B. The EC agrees to restrict, within its regulatory framework (Council Regulation (EEC) No 1576/89, Article 11 or an equivalent successor regulation), the use of the product designations: "Tennessee whisky"/"Tennessee whiskey", "Bourbon whisky"/"Bourbon whiskey" and "Bourbon" as a designation for Bourbon whisk(e)y to distilled spirits/spirit drinks products of the USA produced in compliance with the laws and regulations of the USA (27 CFR 5.22 or an equivalent successor regulation). Further, it is recognized that these whiskies shall continue to be subject to all of the labelling requirements of the EC.

C. The USA and the EC agree to meet at a mutually convenient time in the future to discuss the possibilities of extending restrictive recognition to additional distilled spirits/spirit drinks products which either Party may propose for such consideration. This willingness to meet and consider such requests is without prejudice to the rights and rulemaking processes of either Party.

D. Both Parties agree to consult, upon request, regarding the operation of this Agreement.

E. Both Parties agree to implement within sixty days of the date of your confirmatory reply all regulatory or administrative measures necessary to fulfill the obligations outlined in Paragraphs A and B above.

F. Either Party may terminate this Agreement by written notification to the other Party. This Agreement shall expire twelve months after the date of such notification.

I have the honour to propose that, if the foregoing is acceptable to your government, this letter and your confirmatory reply shall together constitute and evidence an agreement between the EC and the USA on this matter."

I have the honour [to] confirm that the foregoing is acceptable to the Government of the United States of America and that your letter and this reply shall together constitute and evidence an agreement between the United States of America and the European Community on this matter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Government of the United States of America

## **ANNEX**

### **SIDE LETTER TO THE EC-US SPIRITS AGREEMENT**

(EC Letter)

Sir,

I have the honour to refer to the Agreement concluded between the European Community and the United States of America on the mutual recognition of certain distilled spirits/spirit drinks and to propose the following understanding:

The conclusion of the Agreement does not impede the continued application of the Exchange of Letters, signed on 2 December 1970 and 18 January 1971, between France and the United States of America concerning the protection in France of the US appellations "Bourbon" and "Bourbon whisky" and in the United States of the French appellations "Cognac", "Armagnac" and "Calvados".

I would be grateful if you would confirm that the foregoing is acceptable to the Government of the United States of America.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council of the European Union

(U.S. reply)

Sir,

I have the honour to refer to the Agreement concluded between the European Community and the United States of America on the mutual recognition of certain distilled spirits/spirit drinks and to your letter which proposed the following understanding:

The conclusion of the Agreement does not impede the continued application of the Exchange of Letters, signed on 2 December 1970 and 18 January 1971, between France and the United States of America concerning the protection in France of the US appellations "Bourbon" and "Bourbon whisky" and in the United States of the French appellations "Cognac", "Armagnac" and "Calvados".

I have the honour to confirm the above understanding on behalf of the Government of the United States of America.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Government of the United States of America