

This text is meant purely as a documentation tool and has no legal effect. The Union's institutions do not assume any liability for its contents. The authentic versions of the relevant acts, including their preambles, are those published in the Official Journal of the European Union and available in EUR-Lex. Those official texts are directly accessible through the links embedded in this document

► **B****AGREEMENT**

between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks

(OJ L 152, 11.6.1997, p. 16)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Agreement in the form of an exchange of letters between the European Community and the United Mexican States concerning amendment of Annex I to the Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks	L 144	64	30.4.2004
► <u>M2</u>	Agreement in the form of an exchange of letters between the European Community and the United Mexican States concerning amendment of Annex I of the Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks	L 160	140	30.4.2004
► <u>M3</u>	Commission Decision of 26 October 2004 on the conclusion of an Agreement in the form of an exchange of letters between the European Community and the United Mexican States concerning amendments to Annex II of the Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks (2004/785/EC)	L 346	29	23.11.2004

Corrected by:

- **C1** Corrigendum, OJ L 212, 12.6.2004, p. 86 (22004A0430(05))

▼B**AGREEMENT****between the European Community and the United Mexican States
on the mutual recognition and protection of designations for spirit
drinks**

THE EUROPEAN COMMUNITY, hereinafter called ‘the Community’,

of the one part, and

THE UNITED MEXICAN STATES,

of the other part,

hereinafter called ‘the Contracting Parties’,

DESIROUS of improving the conditions for the marketing of spirit drinks on their respective markets, in accordance with the principles of equality, mutual benefit and reciprocity,

HAVE AGREED AS FOLLOWS:

Article 1

The Contracting Parties agree, on the basis of non-discrimination and reciprocity, to facilitate and promote trade between them in spirit drinks.

Article 2

This Agreement shall apply to products falling within code 2208 of the International Convention on the Harmonized Commodity Description and Coding System.

For the purposes of this Agreement:

- (a) ‘spirit drink originating in’ shall mean, when followed by the name of one of the Contracting Parties, a spirit drink listed in the Annex and made on the territory of that Contracting Party;
- (b) ‘description’ shall mean the names used on the labelling, on the documents accompanying the transport of the spirit drinks, on the commercial documents, particularly the invoices and delivery notices, and in advertising;
- (c) ‘labelling’ shall mean all the descriptions and other references, signs, designs or trade marks which distinguish the spirit drinks and which appear on the same container, including the sealing device or the tag attached to the container and the sheathing covering the neck of the bottles;
- (d) ‘presentation’ shall mean the names used on the containers, including the closure, on the labelling and on the packaging;
- (e) ‘packaging’ shall mean the protective wrappings such as papers, straw envelopes of all kinds, cartons and cases, used in the transport of one or more containers.

▼B*Article 3*

The following designations are protected:

- (a) as regards spirit drinks originating in the Community, the designations listed in Annex I;
- (b) as regards spirit drinks originating in the United Mexican States, the designations listed in Annex II.

Article 4

1. In the United Mexican States, the protected Community names:

- may not be used otherwise than under the conditions laid down in the laws and regulations of the Community, and
- are reserved exclusively to the spirits originating in the Community to which they apply.

2. In the Community, the protected Mexican names:

- may not be used otherwise than under the conditions laid down in the laws and regulations of the United Mexican States, and
- are reserved exclusively to the spirits originating in the United Mexican States to which they apply.

3. Without prejudice to Articles 22 and 23 of the Agreement on Trade-Related Aspects of Intellectual Property Rights set out in Annex 1 C of the Agreement establishing the World Trade Organization, the Contracting Parties shall take all the necessary measures, in accordance with this Agreement, to ensure reciprocal protection of the designations referred to in Article 3 and used to refer to spirit drinks originating in the territory of the Contracting Parties. Each Contracting Party shall provide the interested parties with the legal means of preventing the uses of a designation to designate spirit drinks not originating in the place indicated by the designation in question or in the place where the designation in question is traditionally used.

4. The Contracting Parties will not deny the protection provided for by this Article in the circumstances specified in paragraphs 4, 5, 6 and 7 of Article 24 of the Agreement on Trade-Related Aspects of Intellectual Property Rights.

Article 5

The protection afforded by Article 4 shall also apply even where the true origin of the spirit drink is indicated or the designation is used in translation or accompanied by terms such as ‘kind’, ‘type’ > ‘style’, ‘way’, ‘imitation’, ‘method’ or other analogous expressions, including graphic symbols which may lead to confusion.

Article 6

In the case of homonymous designations for spirit drinks, protection shall be accorded to each designation. The Contracting Parties will lay down the practical conditions under which the homonymous designations in question will be differentiated, taking into account the need to treat the producers concerned fairly and to avoid misleading the consumer.

▼B*Article 7*

The provisions of this Agreement shall in no way prejudice the right of any person to use, in the course of trade, their name or the name of their predecessor in a business, provided that such name is not used in such a manner as to mislead consumers.

Article 8

Nothing in this Agreement shall oblige a Contracting Party to protect a designation of the other Contracting Party which is not protected or ceases to be protected in its country of origin or which has fallen into disuse in that country.

Article 9

The Contracting Parties shall take all measures necessary to ensure that, in cases where spirit drinks originating in the Contracting Parties are exported and marketed outside their territory, the protected names of one Contracting Party referred to in this Agreement are not used to designate and present spirit drinks originating in the other Contracting Party.

Article 10

To the extent that the relevant legislation of the Contracting Parties allows, the benefit of the protection given by this Agreement shall be extended to natural and legal persons and to federations, associations and organizations of producers, traders or consumers whose headquarters are in the other Contracting Party.

Article 11

If the description or presentation of a spirit drink, particularly on the label or in the official or commercial documents or in advertising, is in breach of this Agreement, the Contracting Parties shall apply administrative measures or initiate legal proceedings as appropriate in order to combat unfair competition or prevent any other form of wrongful use of the protected name.

Article 12

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the United Mexican States.

Article 13

This Agreement shall not apply to spirit drinks:

- (a) which are in transit through the territory of one of the Contracting Parties; or
- (b) which originate in the territory of one of the Contracting Parties and are consigned in small quantities between them.

▼B

The following shall be considered to be small quantities:

- (a) quantities of spirit drinks not exceeding 10 litres per traveller contained in traveller's personal baggage;
- (b) quantities of spirit drinks not exceeding 10 litres forming part of consignments from one individual to another,
- (c) spirit drinks forming part of the household effects of individuals moving house;
- (d) up to one hectolitre of spirit drinks imported for conducting scientific and technical experiments;
- (e) spirit drinks imported as part of the duty-free allowances of diplomatic missions, consular posts and assimilated bodies;
- (f) spirit drinks which form part of the supplies carried on board international means of transport.

Article 14

1. The Contracting Parties shall each designate the bodies to be responsible for the enforcement of this Agreement.

2. The Contracting Parties shall inform one another of the names and addresses of the said bodies not later than two months after this Agreement comes into force. There shall be close and direct cooperation between the said bodies.

Article 15

1. If one of the bodies referred to in Article 14 has reason to suspect that:

- (a) a spirit drink as defined in Article 2, being or having been traded between the United Mexican States and the Community, does not comply with this Agreement or Community or Mexican legislation applicable to spirit drinks; and
- (b) this non-compliance is of particular interest to the other Contracting Party and could result in administrative measures or legal proceedings being taken,

that body shall immediately inform the Commission and the relevant body or bodies of the other Contracting Party.

2. The information to be provided in accordance with paragraph 1 shall be accompanied by official, commercial or other appropriate documents, as well as an indication of what administrative measures or legal proceedings may, if necessary, be taken. The information shall include, in particular, the following details of the spirit drink concerned:

- (a) the producer and the person who stocks the spirit drink;
- (b) the composition of that drink;
- (c) the description and presentation; and
- (d) details of the non-compliance with the rules concerning production and marketing.

▼B*Article 16*

1. The Contracting Parties shall enter into consultations if one of them considers that the other has failed to fulfil an obligation under this Agreement.
2. The Contracting Party which requests the consultations shall provide the other Party with the information necessary for a detailed examination of the case in question.
3. In cases where any delay could endanger human health or impair the effectiveness of measures to control fraud, interim protective measures may be taken, without prior consultation, provided that consultations are held immediately after the taking of these measures.
4. If, following the consultations provided for in paragraphs 1 and 3, the Contracting Parties have not reached agreement, the Party which requested the consultations or took the measures referred to in paragraph 3 may take appropriate protective measures so as to permit the proper application of this Agreement.

Article 17

A Joint Committee shall be established, consisting of representatives of the Community and of the United Mexican States. It shall meet at the request of one of the Contracting Parties and in accordance with the requirements for implementing the Agreement alternately in the Community and the United Mexican States.

The Joint Committee shall ensure the proper functioning of this Agreement and shall examine all questions which may arise in implementing it. In particular, the Joint Committee may make recommendations which would contribute to the attainment of the objectives of this Agreement.

Article 18

1. The Contracting Parties may by mutual consent amend this Agreement in order to enhance the level of cooperation in the spirit drinks sector.
2. Where the legislation of one of the Contracting Parties is amended to protect designations other than those listed in the Annexes to this Agreement, these designations shall be included, within a reasonable length of time, following conclusion of the consultations.

Article 19

1. Spirit drinks which, at the time of entry into force of this Agreement, have been legally produced, designated and presented, but which are prohibited by this Agreement, may be marketed by wholesalers for a period of one year from the entry into force of the Agreement and by retailers until stocks are exhausted. From the entry into force of this Agreement spirit drinks included therein may no longer be produced outside the limits of their regions of origin.
2. Spirit drinks produced, designated and presented in accordance with this Agreement when they are marketed but whose description and presentation ceases to conform to this Agreement following an amendment thereto may be marketed until stocks are exhausted unless otherwise agreed by the Contracting Parties.



Article 20

The Annexes to this Agreement shall form an integral part thereof.

Article 21

This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, all these languages being equally authentic.

Article 22

This Agreement shall enter into force on the first day of the second month after the date on which the Contracting Parties have notified each other in writing that their respective requirements for the entry into force of this Agreement have been complied with.

Either Contracting Party may terminate the Agreement by giving one year's written notice to the other Contracting Party.

Hecho en Bruselas, el veintisiete de mayo de mil novecientos noventa y siete.

Udfærdiget i Bruxelles den syvogtyvende maj nitten hundrede og syvoghalvfems.

Geschehen zu Brüssel am siebenundzwanzigsten Mai neunzehnhundert-siebenundneunzig.

Έγινε στις Βρυξέλλες, στις είκοσι εφτά Μαΐου χίλια εννιακόσια ενενήντα επτά.

Done at Brussels on the twenty-seventh day of May in the year one thousand nine hundred and ninety-seven.

Fait à Bruxelles, le vingt-sept mai mil neuf cent quatre-vingt-dix-sept.

Fatto a Bruxelles, addì ventisette maggio millenovecentonovantasette.

Gedaan te Brussel, de zevenentwintigste mei negentienhonderd zevenennegentig.

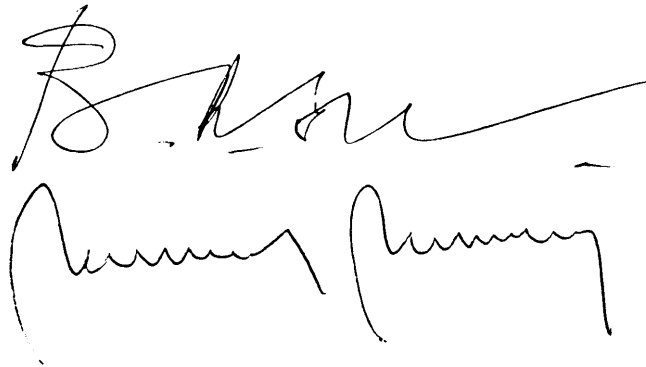
Feito em Bruxelas, em vinte e sete de Maio de mil novecentos e noventa e sete.

Tehty Brysselissä kahdentakymmenentenäseitsemäntenä päivänä toukokuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäseitsemän.

Som skedde i Bryssel den tjugosjunde maj nittonhundra nitiosju.

▼ B

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar

Two handwritten signatures in black ink. The top signature is a single, fluid line. The bottom signature consists of two distinct, stylized cursive marks.

Por el Gobierno de los Estados Unidos Mexicanos

A large, bold handwritten signature in black ink, appearing to be 'Od Blasco M'.

▼ M2▼ C1*ANNEX I*

to the Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks

1. **Rum**

Rhum de la Martinique/Rhum de la Martinique traditionnel

Rhum de la Guadeloupe/Rhum de la Guadeloupe traditionnel

Rhum de la Réunion/Rhum de la Réunion traditionnel

Rhum de la Guyane/Rhum de la Guyane traditionnel

Ron de Málaga

Ron de Granada

Rum da Madeira

2. **(a) Whisky**

Scotch Whisky

Irish Whisky

Whisky español

(These designations may be supplemented by the terms 'malt' or 'grain')

2. **(b) Whiskey**

Irish Whiskey

Uisce Beatha Eireannach/Irish Whiskey

(These designations may be supplemented by the terms 'Pot Still')

3. **Grain spirit**

Eau-de-vie de seigle de marque nationale luxembourgeoise

Korn

Kornbrand

4. **Wine spirit**

Eau-de-vie de Cognac

Eau-de-vie des Charentes

Cognac

▼C1

(The designation ‘Cognac’ may be supplemented by the following terms:

- Fine
- Grande Fine Champagne
- Grande Champagne
- Petite Champagne
- Petite Fine Champagne
- Fine Champagne
- Borderies
- Fins Bois
- Bons Bois)

Fine Bordeaux

Armagnac

Bas-Armagnac

Haut-Armagnac

Ténarèse

Eau-de-vie de vin de la Marne

Eau-de-vie de vin originaire d'Aquitaine

Eau-de-vie de vin de Bourgogne

Eau-de-vie de vin originaire du Centre-Est

Eau-de-vie de vin originaire de Franche-Comté

Eau-de-vie de vin originaire du Bugey

Eau-de-vie de vin de Savoie

Eau-de-vie de vin originaire des Coteaux de la Loire

Eau-de-vie de vin des Côtes-du-Rhône

Eau-de-vie de vin originaire de Provence

Eau-de-vie de Faugères/Faugères

Eau-de-vie de vin originaire du Languedoc

Aguardente do Minho

Aguardente do Douro

Aguardente da Beira Interior

▼C1

Aguardente da Bairrada

Aguardente do Oeste

Aguardente do Ribatejo

Aguardente do Alentejo

Aguardente do Algarve

5. **Brandy**

Brandy de Jerez

Brandy del Penedés

Brandy italiano

Brandy Αττικής/Brandy of Attica

Brandy Πελοποννήσου/Brandy of the Peloponnese

Brandy Κεντρικής Ελλάδας/Brandy of Central Greece

Deutscher Weinbrand

Wachauer Weinbrand

Weinbrand Dürnstein

Karpatské brandy special

6. **Grape marc spirit**

Eau-de-vie de marc de Champagne or

Marc de Champagne

Eau-de-vie de marc originaire d'Aquitaine

Eau-de-vie de marc de Bourgogne

Eau-de-vie de marc originaire du Centre-Est

Eau-de-vie de marc originaire de Franche-Comté

Eau-de-vie de marc originaire de Bugey

Eau-de-vie de marc originaire de Savoie

Marc de Bourgogne

Marc de Savoie

Marc d'Auvergne

Eau-de-vie de marc originaire des Coteaux de la Loire

Eau-de-vie de marc des Côtes du Rhône

▼C1

Eau-de-vie de marc originaire de Provence

Eau-de-vie de marc originaire du Languedoc

Marc d'Alsace Gewürztraminer

Marc de Lorraine

Bagaceira do Minho

Bagaceira do Douro

Bagaceira da Beira Interior

Bagaceira da Bairrada

Bagaceira do Oeste

Bagaceira do Ribatejo

Bagaceiro do Alentejo

Bagaceira do Algarve

Orujo gallego

Grappa

Grappa di Barolo

Grappa piemontese/Grappa del Piemonte

Grappa lombarda/Grappa di Lombardia

Grappa trentina/Grappa del Trentino

Grappa friulana/Grappa del Friuli

Grappa veneta/Grappa del Veneto

Südtiroler Grappa/Grappa dell'Alto Adige

Τσικουδιά Κρήτης/Tsikoudia of Crete

Τσίπουρο Μακεδονίας/Tsipouro of Macedonia

Τσίπουρο Θεσσαλίας/Tsipouro of Thessaly

Τσίπουρο Τυρνάβου/Tsipouro of Tyrnavos

Eau-de-vie de marc de marque nationale luxembourgeoise

Zivania

Pálinka

7. **Fruit spirit**

Schwarzwälder Kirschwasser

▼C1

Schwarzwälder Himbeergeist

Schwarzwälder Mirabellenwasser

Schwarzwälder Williamsbirne

Schwarzwälder Zwetschgenwasser

Fränkisches Zwetschgenwasser

Fränkisches Kirschwasser

Fränkischer Obstler

Mirabelle de Lorraine

Kirsch d'Alsace

Quetsch d'Alsace

Framboise d'Alsace

Mirabelle d'Alsace

Kirsch de Fougerolles

Südtiroler Williams/Williams dell'Alto Adige

Südtiroler Aprikot/Südtiroler

Marille/Aprikot dell'Alto Adige/Marille dell'Alto Adige

Südtiroler Kirsch/Kirsch dell'Alto Adige

Südtiroler Zwetschgeler/Zwetschgeler dell'Alto Adige

Südtiroler Obstler/Obstler dell'Alto Adige

Südtiroler Gravensteiner/Gravensteiner dell'Alto Adige

Südtiroler Golden Delicious/Golden Delicious dell'Alto Adige

Williams friulano/Williams del Friuli

Sliwovitz del Veneto

Sliwovitz del Friuli-Venezia Giulia

Sliwovitz del Trentino-Alto Adige

Distillato di mele trentino/Distillato di mele del Trentino

Williams trentino/Williams del Trentino

Sliwovitz trentino/Sliwovitz del Trentino

Aprikot trentino/Aprikot del Trentino

Medronheira do Algarve

▼C1

Medronheira do Buçaco

Kirsch Friulano/Kirschwasser Friulano

Kirsch Trentino/Kirschwasser Trentino

Kirsch Veneto/Kirschwasser Veneto

Aguardente de pêra da Lousã

Eau-de-vie de pommes de marque nationale luxembourgeoise

Eau-de-vie de poires de marque nationale luxembourgeoise

Eau-de-vie de kirsch de marque nationale luxembourgeoise

Eau-de-vie de quetsch de marque nationale luxembourgeoise

Eau-de-vie de mirabelle de marque nationale luxembourgeoise

Eau-de-vie de prunelles de marque nationale luxembourgeoise

Wachauer Marillenbrand

Bošácka Slivovica

Szatmári Szilvapálinka

Kecskeméti Barackpálinka

Békési Szilvapálinka

Szabolcsi Almapálinka

Slivovice

Pálinka

8. Cider spirit and perry spirit

Calvados

Calvados du Pays d'Auge

Eau-de-vie de cidre de Bretagne

Eau-de-vie de poiré de Bretagne

Eau-de-vie de cidre de Normandie

Eau-de-vie de poiré de Normandie

Eau-de-vie de cidre du Maine

Aguardiente de sidra de Asturias

Eau-de-vie de poiré du Maine

▼C1**9. Gentian spirit**

Bayerischer Gebirgsenzian

Südtiroler Enzian/Genzians dell'Alto Adige

Genziana trentina/Genziana del Trentino

10. Fruit spirit drinks

Pacharán

Pacharán Navarro

11. Juniper-flavoured spirit drinks

Ostfriesischer Kornenever

Genièvre Flandres Artois

Hasseltse jenever

Balegemse jenever

Péket de Wallonie

Steinhäger

Plymouth Gin

Gin de Mahón

Vilniaus Džinas

Spišská Borovička

Slovenská Borovička Juniperus

Slovenská Borovička

Inovecká Borovička

Liptovská Borovička

12. Caraway-flavoured spirit drinks

Dansk Akvavit/Dansk Aquavit

Svensk Aquavit/Svensk Akvavit/Swedish Aquavit

13. Aniseed-flavoured spirit drinks

Anis español

Évoca anisada

Cazalla

Chinchón

Ojén

▼ C1

Rute

Oúz'o/Ouzo

14. Liqueur

Berliner Kümmel

Hamburger Kümmel

Münchener Kümmel

Chiemseer Klosterlikör

Bayerischer Kräuterlikör

Cassis de Dijon

Cassis de Beaufort

Irish Cream

Palo de Mallorca

Ginjinha portuguesa

Licor de Singeverga

Benediktbeurer Klosterlikör

Ettaler Klosterlikör

Ratafia de Champagne

Ratafia catalana

Anis português

Finnish berry/Finnish fruit liqueur

Grossglockner Alpenbitter

Mariazeller Magenlikör

Mariazeller Jagasaftl

Puchheimer Bitter

Puchheimer Schlossgeist

Steinfelder Magenbitter

Wachauer Marillenlikör

Jägertee/Jagertee/Jagatee

Allažu Kimelis

Čepkeliu

▼C1

Demänovka Bylinný Likér

Polish Cherry

Karlovarská Hořká

15. Spirit drinks

Pommeau de Bretagne

Pommeau du Maine

Pommeau de Normandie

Svensk Punsch/Swedish Punch

Slivovice

16. Vodka

Svensk Vodka/Swedish Vodka

Suomalainen Vodka/Finsk Vodka/Vodka of Finland

Polska Wódka/Polish Vodka

Laugarício Vodka

Originali Lietuviška degtinė

Wódka zioowa z Niziny Pónocnopodlaskiej aromatyzowana ekstraktem z trawy żubrowej/Herbal vodka from the North Podlasie Lowland aromatised with an extract of bison grass

Latvijas Dzidrais

Rīgas Degvīns

LB Degvīns

LB Vodka

17. Bitter-tasting spirit drinks

Rīgas melnais Balzāms/Riga Black Balsam

Demänovka bylinná horká

▼M3*ANNEX II*

to the Agreement between the European Community and the United Mexican States on mutual recognition and protection of designations for spirit drinks

Spirit drinks of Agave:

Tequila: protected, elaborated and classified in conformity with the laws and regulations of the United Mexican States.

Mezcal: protected, elaborated and classified in conformity with the laws and regulations of the United Mexican States.

Spirit drink of Sotol (Dasylirion):

Sotol: protected, elaborated and classified in conformity with the laws and regulations of the United Mexican States.

Spirit drink of sugar cane:

Charanda: protected, elaborated and classified in conformity with the laws and regulations of the United Mexican States.