



## Wine Regulations 2006

Dame Sian Elias, Administrator of the Government

### Order in Council

At Wellington this 12th day of June 2006

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to sections 119, 129(2), and 130(4) of the Wine Act 2003, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following regulations.

#### Contents

		Page
1	Title	2
2	Commencement	2
3	Interpretation	2
	<i>Application, exemptions, and extension of transitional period</i>	
4	Application of labelling requirements	2
5	Exemption from requirement to have wine standards management plan	3
6	Extension of transitional period for wine standards man- agement plans	3
	<i>Standards and requirements</i>	
7	Country of origin labelling and identification requirements	3

8	Grape wine not to be associated with false or misleading labelling	3
9	Export requirements	4
10	Wine and wine products to be free of hazards	4
11	Suitability of inputs and processing and transport of inputs, wine, and wine products	4
12	Packaging requirements	5
13	Record and return requirements	6
14	Recognised agencies and persons	6
	<i>Fees and charges</i>	
15	Fees and charges	6
16	GST	7
17	Exemptions and waivers	7
	<i>Offences</i>	
18	Offences	7
	<i>Revocations</i>	
19	Saved export provisions revoked	7
	<b>Schedule</b>	8
	<b>Fees and charges</b>	

---

## Regulations

### 1 Title

These regulations are the Wine Regulations 2006.

### 2 Commencement

These regulations come into force on 1 July 2006.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**Act** means the Wine Act 2003

**vintage**, in relation to wine, means the year in which the commodities used to make the wine were harvested.

### *Application, exemptions, and extension of transitional period*

#### 4 Application of labelling requirements

- (1) Regulations 7 and 8 do not apply to the 2006 vintage or any earlier vintage, except as provided in this regulation.
- (2) For the purposes of subclause (1), a wine that is a blend of both the 2006 vintage (or any earlier vintage) and a later

vintage is to be treated as if it were the later vintage only, except as provided in subclause (3).

- (3) Regulations 7 and 8 do not apply to a blended wine if the wine—
  - (a) contains more than 50% of the 2006 or an earlier vintage; and
  - (b) is blended before 1 July 2008.
- (4) To avoid doubt, regulation 20 of the Food (Safety) Regulations 2002 continues to apply to wine to which regulations 7 and 8 do not apply.

## **5 Exemption from requirement to have wine standards management plan**

A wine business that is solely engaged in the labelling of wine that has already been bottled or packed for final sale is exempt from the requirement to operate under a registered wine standards management plan.

## **6 Extension of transitional period for wine standards management plans**

For the purposes of section 130 of the Act, the transitional period during which a winemaker or other person is not required to operate under a registered wine standards management plan expires at the close of 30 November 2008.

### *Standards and requirements*

## **7 Country of origin labelling and identification requirements**

- (1) Grape wine must be labelled in a manner that clearly indicates the country of origin of the wine.
- (2) If any of the grape juice, concentrated grape juice, potable spirit, or wine spirit used in any grape wine originates in a country other than the country of origin of the wine, that country must be named on the label as a source of ingredients used in the manufacture of the wine.

## **8 Grape wine not to be associated with false or misleading labelling**

- (1) Grape wine must not be associated with false or misleading labelling of any kind concerning—

- (a) its grape variety; or
  - (b) its vintage; or
  - (c) the area where the grapes are grown (not including country of origin).
- (2) The Director-General may, by specification, specify requirements as to the labelling of grape variety, vintage, and area where grapes are grown.

## **9 Export requirements**

- (1) Subject to any exemption granted by notice under section 39 of the Act, no person may export New Zealand grape wine with an obvious fault.
- (2) The demonstration that a wine is free from obvious fault is to be determined in a manner specified by the Director-General.
- (3) In this regulation, **obvious fault** in relation to wine, means that the wine is—
  - (a) oxidised; or
  - (b) tainted by extraneous flavours; or
  - (c) malodorous.

## **10 Wine and wine products to be free of hazards**

- (1) Wine and wine products must be free from hazards.
- (2) The Director-General may, by specification, specify acceptable or unacceptable levels of hazards, objects, materials, and substances in relation to any wine or wine product, or any class of wine or wine product.

## **11 Suitability of inputs and processing and transport of inputs, wine, and wine products**

- (1) A supplier of commodities used to make wine or wine products must ensure that those commodities are free from hazards.
- (2) A winemaker must ensure that—
  - (a) commodities used to make wine are handled during the winemaking process in a manner that ensures that hazards are not introduced to the wine; and
  - (b) the processes and practices used by the winemaker during the winemaking process ensure that hazards are not introduced to the wine; and

- (c) wine is made and stored in a manner that ensures hazards are not introduced to the wine.
- (3) A person who makes wine products must ensure that—
    - (a) wine and other inputs used to make the wine products are handled in a manner that ensures that hazards are not introduced to the wine products; and
    - (b) the processes and practices used by the person when making the wine products ensure that hazards are not introduced to the wine products; and
    - (c) wine products are made and stored in a manner that ensures that hazards are not introduced to the wine products.
  - (4) A transporter of wine, wine products, or commodities must ensure that they are transported in a manner that ensures that they remain free from hazards.
  - (5) The following persons must comply with specifications made by the Director-General for the purpose of ensuring that wine and wine products, and any commodities used in the making of wine or wine products, are and remain free from hazards:
    - (a) suppliers of the commodities;
    - (b) transporters of the commodities, or of any wine or wine product;
    - (c) winemakers.
  - (6) The Director-General may, by specifications, specify matters that the persons referred to in subclause (5) must comply with for the purpose of ensuring that wine or wine products, including any commodity used in the making of wine or wine products, are and remain free from hazards.

## **12 Packaging requirements**

- (1) All winemakers, and all other persons specified in specifications for the purposes of this regulation, must ensure that any packaging materials that come into contact with wine, wine products, or commodities are designed, made, stored, and used in a manner that ensures that the wine or wine products or commodities remain fit for their intended purpose.
- (2) The Director-General may make specifications for the purpose of ensuring that packaging materials that come into contact with wine or wine products or commodities do not introduce hazards to the wine, wine products, or commodities.

**13 Record and return requirements**

The Director-General may specify details of records and returns required to be kept or made by operators of wine businesses, operators of registered wine standards management plans, owners or persons in control of commodities, or other persons in order to ensure the truthfulness and integrity of wine labels and that any wine or wine product is fit for its intended purpose.

**14 Recognised agencies and persons**

- (1) If a particular function or activity is required under the Act or regulations or specifications made under the Act to be carried out by a recognised agency or a recognised person, then the person with responsibility for ensuring that the function or activity is carried out must ensure that the function or activity is carried out only by—
  - (a) an agency recognised under the Act to undertake responsibility for that function or activity; or
  - (b) a person recognised under the Act to undertake that function or activity.
- (2) If a particular function or activity is required under the Act to be carried out by a recognised person under the management of a recognised agency, a recognised agency must offer and use for that function or activity only the services of a person properly recognised under the Act to carry out the function or activity.
- (3) Specifications may specify the classes of agencies to be used for particular functions or activities.

*Fees and charges***15 Fees and charges**

- (1) The fees and charges set out in the Schedule are payable in respect of the matters set out in that schedule.
- (2) The fees and charges are payable—
  - (a) on the making of the relevant application or on performance of the relevant service, as the case may require; or
  - (b) in the case of fees payable annually, within 10 days (or within such longer period as the Director-General may allow) after receipt of a demand for the appropriate amount from the Director-General.

**16 GST**

The fees and charges specified in the Schedule are inclusive of goods and services tax.

**17 Exemptions and waivers**

The Director-General may grant an exemption from, or waive or refund, in whole or in part, any fee or charge specified in these regulations in any appropriate case or class of cases.

*Offences***18 Offences**

- (1) Failure to comply with any of regulations 7(1), 8(1), 9(1), 10(1), 11(1), (2), (3), and (4), 12(1), and 14(1) and (2) constitutes an offence for the purposes of section 103(1)(b) of the Act.
- (2) Any person who fails to comply with specifications made under or for the purposes of any of regulations 7, 8, 9, 10, 11, and 12 commits an offence.
- (3) An offence under subclause (2) constitutes an offence for the purposes of section 103(1)(b) of the Act.

*Revocations***19 Saved export provisions revoked**

The following provisions saved under section 129 of the Act are revoked:

- (a) sections 25 and 26 of the Wine Makers Act 1981;
  - (b) regulations 11 to 17 and forms 12 to 16 of the Schedule of the Wine Makers Regulations 1990.
-

r 15

## Schedule Fees and charges

<b>Matter in respect of which fee or charge payable</b>	<b>Cost recovery method</b>	<b>Fee or charge</b>
Registration of wine standards management plan based solely on template approved by Director-General	Fixed fee	\$86.77
Registration of wine standards management plan not based solely on approved template	Fixed charge plus hourly rate	\$86.77, plus \$86.77 per hour (or part hour) after the first hour
Registration as exporter under section 49 of Act	Fixed charge plus hourly rate	\$86.77, plus \$86.77 per hour (or part hour) after the first hour
Application for amendment to wine standards management plan under section 22 of Act	Fixed charge plus hourly rate	\$86.77, plus \$86.77 per hour (or part hour) after the first hour
Recognitions of agency or person under section 69 or section 70 of Act	Fixed charge plus hourly rate	\$86.77, plus \$86.77 per hour (or part hour) after the first hour
Periodic recognition fee under section 77 of Act	Fixed charge plus hourly rate	\$86.77, plus \$86.77 per hour (or part hour) after the first hour
Application to determine whether wine eligible for export	Per application	\$23.63
Statement of confirmation that wine eligible for export	Per confirmation	\$6.75
Issue of official assurance	Per certificate	\$10.08
Standards setting; development of guidance material, templates, codes of practice, market access standards; systems audit and compliance	Fixed annual charge, per wine business	\$68.63
Development of market access standards and programme	Differential annual charge, per exporting winery: (a) large winery (production over 2 million litres per annum)	\$8095.50



Matter in respect of which fee or charge payable	Cost recovery method	Fee or charge
	(b) medium winery (production of 200 000 litres or more per annum, but less than 2 million litres)	\$588.38
	(c) small winery (production less than 200 000 litres per annum)	\$48.38

Diane Morcom,  
Clerk of the Executive Council.

---

### Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 July 2006, set out various standards and requirements in relation to wine and wine products. The labelling requirements of the regulations do not apply to the 2006 vintage or any earlier vintage, except as provided in *regulation 4* in relation to blended wines.

---

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 15 June 2006.

These regulations are administered by the Ministry of Agriculture and Forestry.

---