

Reprint
as at 1 July 2019



Wine Regulations 2006 (SR 2006/147)

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.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for Primary Industries.

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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.

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Regulation 3A: inserted, on 1 July 2019, by regulation 4 of the Wine Amendment Regulations 2019 (LI 2019/125).

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 for wine labelling businesses 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.

Regulation 5 heading: amended, on 1 December 2008, by regulation 4 of the Wine Amendment Regulations 2008 (SR 2008/110).

5A Exemption for very small winemakers from requirement to have wine standards management plan

A winemaker is exempted, for a period of 2 years, from operating under a registered wine standards management plan for the winemaker's winemaking operations if—

- (a) the winemaker proposes, during the 2-year period,—
 - (i) to produce not more than 20 000 litres of wine; and
 - (ii) not to sell the wine for export from New Zealand; and

- (b) the winemaker notifies, in writing, the Director-General of—
 - (i) the dates on which the 2-year period is to begin and end; and
 - (ii) the matters specified in paragraph (a)(i) and (ii); and
- (c) during the 2-year period, the winemaker—
 - (i) produces not more than 20 000 litres of wine; and
 - (ii) does not sell the wine for export from New Zealand.

Regulation 5A: inserted, on 1 December 2008, by regulation 5 of the Wine Amendment Regulations 2008 (SR 2008/110).

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.

8A Labelling of grape ice wine for export

- (1) After the expiry of the transitional period, no person may export grape wine that is labelled as Icewine, ice wine, ice-wine, or a similar variation of those terms unless the grape wine is made exclusively from grapes naturally frozen on the vine.
- (2) In subclause (1), **transitional period** means the period of 3 years beginning with the date on which section 106 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (which inserts this regulation) comes into force.

Regulation 8A: inserted, on 30 December 2018, by section 106 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

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, charges, and levies

Heading: replaced, on 1 July 2015, by regulation 4 of the Wine Amendment Regulations 2015 (LI 2015/97).

15 Fees, charges, and levies

- (1) The fees and charges set out in Schedule 1 and the levies notified under regulation 15A(3) are payable in respect of the matters to which they relate.
- (2) The fees, charges, and levies are exclusive of goods and services tax.

Regulation 15: replaced, on 1 July 2015, by regulation 4 of the Wine Amendment Regulations 2015 (LI 2015/97).

Regulation 15(1): amended, on 1 July 2019, by regulation 5 of the Wine Amendment Regulations 2019 (LI 2019/125).

15A Levies

- (1) A levy is payable in respect of the matters set out in Schedule 2 by each wine business that exports wine.
- (2) However, no levy is payable on the first 200,000 litres of wine exported by a wine business in a financial year.
- (3) The Director-General may by notice in the *Gazette* set the rate of the levy on the basis of the following formula (subject to subclause (5)):

$$a \div b$$

where—

- a is an estimate of the costs for the forthcoming financial year, as adjusted, under subclause (4)
 - b is an estimate of the total volume of leviable wine that will be exported in the forthcoming financial year by wine businesses that export over 200,000 litres of wine per year.
- (4) The estimated costs referred to in subclause (3) may be adjusted to take into account—
 - (a) any estimated shortfall in recovery, or any estimated over-recovery, of the costs for any of the preceding 4 financial years; and
 - (b) any actual shortfall in recovery, or any actual over-recovery, of the costs for any of the preceding 4 financial years so far as the shortfall remains to be recovered, or the over-recovery remains to be allowed for.
 - (5) The Director-General must not set the rate of the levy in excess of \$0.011 per litre of wine per exporter.

- (6) The rate of the levy notified under subclause (3) applies to the forthcoming financial year and all subsequent years until the notice is revoked or replaced.
- (7) In this regulation,—
costs means the costs of the matters set out in Schedule 2
leviable wine means the volume of wine exported by a wine business in a financial year other than the first 200,000 litres.
- (8) *See* Schedule 1AA.
 Regulation 15A: inserted, on 1 July 2019, by regulation 6 of the Wine Amendment Regulations 2019 (LI 2019/125).

16 When fees, charges, and levies payable

The fees and charges set out in Schedule 1 and the levies notified under regulation 15A(3) are payable—

- (a) on receipt of the relevant notification, on the making of the relevant application, or on the performance of the relevant service, as the case may require; or
- (b) in the case of fees payable annually and levies, within 1 month (or within such longer period as the Director-General may allow) after receipt of a written demand for the appropriate amount from the Director-General.

Regulation 16: replaced, on 1 July 2015, by regulation 4 of the Wine Amendment Regulations 2015 (LI 2015/97).

Regulation 16: amended, on 1 July 2019, by regulation 7 of the Wine Amendment Regulations 2019 (LI 2019/125).

17 Director-General may grant exemption, waiver, or refund

- (1) The Director-General may grant an exemption from, or may waive or refund, any fee or charge set out in Schedule 1 or levy notified under regulation 15A(3), in whole or in part, in any particular case or class of case.
- (2) The power conferred by subclause (1) includes power to grant an exemption, waiver, or refund in any of the circumstances described in section 82Z(1)(a) to (c) of the Act.

Regulation 17: replaced, on 1 July 2015, by regulation 4 of the Wine Amendment Regulations 2015 (LI 2015/97).

Regulation 17(1): amended, on 1 July 2019, by regulation 8 of the Wine Amendment Regulations 2019 (LI 2019/125).

Offences

18 Offences

- (1) Failure to comply with any of regulations 7(1), 8(1), 8A, 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, 8A, 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.

Regulation 18(1): amended, on 30 December 2018, by section 107(1) of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

Regulation 18(2): amended, on 30 December 2018, by section 107(2) of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

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.

Schedule 1AA

Transitional, savings, and related provisions

r 3A

Schedule 1AA: inserted, on 1 July 2019, by regulation 9 of the Wine Amendment Regulations 2019 (LI 2019/125).

Part 1

Provision relating to Wine Amendment Regulations 2019

Schedule 1AA Part 1: inserted, on 1 July 2019, by regulation 9 of the Wine Amendment Regulations 2019 (LI 2019/125).

1 Rate of levy

- (1) Until the rate of the levy referred to in regulation 15A is notified under regulation 15A(3), the rate of the levy—
- (a) is prescribed at \$0.01 per litre of wine exported; and
 - (b) must be treated as being notified under regulation 15A(3).
- (2) The rate of the levy prescribed under subclause (1)(a) applies to the 2019 financial year and all subsequent years until a new rate is notified under regulation 15A(3).

Schedule 1AA clause 1: inserted, on 1 July 2019, by regulation 9 of the Wine Amendment Regulations 2019 (LI 2019/125).

Schedule 1

Fees and charges

rr 15–17

Schedule: replaced, on 1 July 2015, by regulation 5 of the Wine Amendment Regulations 2015 (LI 2015/97).

Part 1

Fees and charges

Schedule 1 Part 1: replaced, on 1 July 2019, by regulation 10(1) of the Wine Amendment Regulations 2019 (LI 2019/125).

	Matter for which fee or charge payable	Fee or charge*	Fee or charge payable by
1	Notification for an exemption under regulation 5A from operating under a registered wine standards management plan	\$135 per notification	The notifying winemaker
2	Notification of change in operator's recognised verifying agency under section 13(f) of Act	\$67.50 per notification	The operator of a wine standards management plan
3	Application based solely on template approved by Director-	\$135 per application	The applicant

	Matter for which fee or charge payable	Fee or charge*	Fee or charge payable by
	General for registration of wine standards management plan in accordance with section 18 of Act		
4	Application not based solely on template approved by Director-General for registration of wine standards management plan in accordance with section 18 of Act	\$135 per application	The applicant
5	Application for registration of significant amendment to wine standards management plan under section 22 of Act	\$67.50 per application	The applicant
6	Notification for registration of a minor amendment to wine standards management plan under section 23 of Act	\$67.50 per notification	The operator of a wine standards management plan
7	Application for registration as exporter under section 48 of Act	\$135 per application	The applicant
8	Inspection and other individual-focused compliance activities carried out by wine officer under Part 3 of Act	\$135 per inspection or activity plus assessment charge on hourly basis after the first 30 minutes, as specified in Part 2	The person who is the subject of the inspection or other compliance activities
9	Application for recognition of agency, person, or class of persons under section 71, 73, or 75 of Act	\$135 per application	The applicant
10	Verifications and audits by the Ministry further to its recognition under section 72(1) of Act as a recognised agency	\$135 per verification or audit plus assessment charge on hourly basis after the first hour, as specified in Part 2	The person who is verified or audited
11	Ongoing recognition fee under section 82F of Act	\$135 payable annually	The agency or person recognised
12	Performance or exercise of a function, duty, or power that is—	\$67.50 plus assessment charge on hourly basis after the first 30 minutes, as specified in Part 2	The person whose actions resulted in the function, duty, or power being required to be performed or exercised
	(a) required to be undertaken under the Act, including under any regulations or notices; and		
	(b) not prescribed elsewhere in these regulations		

*Fee or charge exclusive of any applicable costs payable under Part 3 or 4

Part 2

Assessment charges on hourly basis

Schedule 1 Part 2: replaced, on 1 July 2019, by regulation 10(1) of the Wine Amendment Regulations 2019 (LI 2019/125).

Where Part 1 specifies an assessment charge on an hourly basis, that charge is to be determined as follows for each hour (or final part-hour) beyond the first 30 minutes or the first hour, as the case may be, spent on assessing the matter concerned:

Category	Fee (\$)
(a) for each hour (excluding final part-hour) spent by a person (whether or not employed by the Ministry)	135.00
(b) for each 15-minute block in final part-hour spent under paragraph (a)	33.75

Part 3

Costs incurred by Ministry

- 1 Actual and reasonable costs, including actual and reasonable incidental and additional costs incurred by a Ministry employee, or a person engaged by the Ministry who is not an employee, may be recovered by the Ministry where those costs arise from a request by, or an act or omission of, any person under the Act or regulations or notices made under the Act.
- 2 The costs in clause 1 include, but are not limited to,—
 - (a) the costs of external review, expert review, notification, product testing, travel, and accommodation; and
 - (b) disbursements such as the costs of photocopying, printing and stationery, telephone, fax, video conferencing, postage, and couriers.
- 3 For technical staff providing support for the delivery of specialist services in relation to functions, duties, or powers under the Act or any regulations or notices made under the Act, a fee of \$135 per hour is payable, in 15-minute increments, by the person whose actions result in the function, duty, or power being required to be performed or exercised.

Schedule 1 Part 3 clause 3: amended, on 1 July 2019, by regulation 10(2) of the Wine Amendment Regulations 2019 (LI 2019/125).

Part 4

Travel costs

Where travel of a Ministry employee, or a person engaged by the Ministry who is not an employee, is required for any of the matters specified in Parts 1, 2, and 3, an additional amount of \$0.67 per kilometre travelled by the employee or person is payable in addition to the relevant fee or charge.

Schedule 2

Matters in respect of which levy payable

rr 15–17

Schedule 2: replaced, on 1 July 2019, by regulation 11 of the Wine Amendment Regulations 2019 (LI 2019/125).

The levy referred to in regulation 15A is payable in respect of the following matters:

- (a) setting standards, specifications, and requirements relating to export eligibility requirements for the purposes of subparts 2 and 3 of Part 2 of the Act; and
- (b) notifying or making available access requirements for overseas markets in accordance with section 41 of the Act; and
- (c) wine export certification, including—
 - (i) determining, in accordance with the relevant export eligibility requirements and any supplementary notices referred to in section 38(6) of the Act, whether wine is eligible for export;
 - (ii) issuing, in accordance with the relevant export eligibility requirements and any supplementary notices referred to in section 38(6) of the Act, export eligibility approvals;
 - (iii) issuing official assurances in accordance with section 42 of the Act; and
- (d) compliance and systems audit activities related to export and carried out under Part 3 of the Act.

Diane Morcom,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Wine Regulations 2006 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Wine Amendment Regulations 2019 (LI 2019/125)

Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90): Part 11 (as amended by Trans-Pacific Partnership Agreement (CPTPP) Amendment Act 2018 (2018 No 41))

Wine Amendment Regulations 2015 (LI 2015/97)

Wine Amendment Regulations 2008 (SR 2008/110)