

*EU-New Zealand Free Trade Agreement
Without prejudice*

Disclaimer: *In view of the Commission and New Zealand's respective transparency policies, the Commission and New Zealand are publishing the texts of the Agreement following the announcement of conclusion of the negotiations on 30 June 2022 (Brussels time).*

The texts are published in view of the public interest in the negotiations for information purposes only and they may undergo further modifications, including as a result of the process of legal revision. These texts are without prejudice to the final outcome of the Agreement between the EU and New Zealand.

The texts will be final upon signature. The Agreement will become binding on the Parties under international law only after completion by each Party of its internal legal procedures necessary for the entry into force of the Agreement.

ANNEX XX

Wine and Spirits

ARTICLE X.1

Objective

The Parties agree, on the basis of non-discrimination and reciprocity, to facilitate trade in wine and spirits produced in New Zealand and the European Union.

ARTICLE X.2

Scope and coverage

This Annex applies to wines falling under heading 22.04, and spirits falling under heading 22.08 of the Harmonized System of the International Convention on the Harmonized Commodity, Description and Coding System, done at Brussels on 14 June 1983.

ARTICLE X.X

General Exception

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Annex shall be construed to prevent the adoption or enforcement by either Party of measures necessary to protect human or plant life or health.

ARTICLE X.3

Definitions

(a) Label

”Label” means any brand, mark, pictorial or other descriptive matter that is written, printed, stencilled, marked, embossed or impressed on, or firmly affixed to the container of wine.

- (b) “oenological practices” relate to wine-making processes, treatments and techniques such as wine additives and processing aids, but do not include labelling, bottling or packaging for final sale;
- (c) "single field of vision" means any part of the surface of a container, excluding its base and cap, that can be seen without having to turn the container;
- (d) "variety" means the cultivar of grape from which the wine is made, as expressed in commonly understood and accepted terms which are permitted for use in the exporting Party;
- (e) "vintage" means the year of harvest of the grapes used to make the wine;
- (f) "wine" means the product obtained exclusively from the total or partial alcoholic fermentation of fresh grapes, whether or not crushed, or of grape must¹;

ARTICLE X.4

General rules

Unless otherwise specified in this Annex, importation and marketing² of wine and spirits shall be conducted in compliance with the laws and regulations applying in the territory of the importing Party.

ARTICLE X.5

Product definitions and oenological practices and processes

1. The European Union shall authorise the importation and marketing in its territory for human consumption of wine produced in New Zealand in accordance with:
 - (a) Product definitions authorised in New Zealand by laws and regulations as referred to in Appendix [A-1]³;

AND

¹ For greater certainty, this includes concentrated grape must and rectified concentrated grape must that are permitted for enrichment and sweetening purposes as well as fractions of wine that may result from permitted separative techniques.

² For greater certainty, 'marketing' is understood to mean 'to place on the market for sale'.

³ This provision is without prejudice to the specific requirements concerning the product name "wine" laid down in Article X.9.1

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(b) Oenological practices authorised in New Zealand by laws and regulations as referred to in Appendix [A-2], in so far as they are recommended and published by the OIV⁴;

AND

(c) Additional oenological practices and restrictions jointly accepted by the Parties provided for in Appendix [A-3].

2. New Zealand shall authorise the importation and marketing in its territory for human consumption of wine produced in the European Union in accordance with:

(a) Product definitions authorised in the European Union by laws and regulations as referred to in Appendix [B-1];

AND

(b) Oenological practices and restrictions authorised in the European Union by laws and regulations referred to in Appendix [B-2], in so far as they are recommended and published by the OIV⁵ ⁶;

AND

(c) Additional oenological practices and restrictions jointly accepted by the Parties provided for in Appendix [B-3].

3. A Party (the requesting Party) may propose to the other Party (the requested Party) modifications to the requesting Party's oenological practices list provided for in Appendix [A-3 or B-3], by delivering a written request supported by a technical file to the requested Party through its contact point for this Annex.

4. The Parties shall discuss the proposed modification in the Wine Committee with a view of enabling the Wine Committee to issue an agreed recommendation to the [Trade Committee] to amend Appendix [A3 or B3].

5. The [Wine] Committee may decide on the specific modalities such as procedure and criteria for assessment of the envisaged modifications to Appendix [A3 or B3]. The entry into force of the envisaged modifications shall be determined in accordance with Article X.1 (Amendments) of the final provisions Chapter.

⁴ Notwithstanding paragraph 1(b), the European Union shall authorise the importation and marketing in its territory of wine produced in New Zealand using physical winemaking processes in accordance with New Zealand's laws and regulations as set out in Appendix A-2.

⁵ By way of derogation to Article 5(2)(b), wine produced in the European Union using yeast mannoproteins or potassium ferrocyanide may be imported and marketed in the territory of New Zealand provided such wine meets the prescribed limits laid down in the Australia New Zealand Food Standards Code for these substances for as long as the prescribed limits laid down in the Australia New Zealand Food Standards Code differ from the established OIV recommendations as published.

⁶ Notwithstanding paragraph 2(b), New Zealand shall authorise the importation and marketing in its territory of wine produced in the European Union in accordance with physical winemaking processes and the conditions and limits of their use as laid down in Article 3(1) and Annex I, Part A, Table 1, of Commission Delegated Regulation (EU) 2019/934.

6. If any matter arises regarding the implementation or application of Art X.5 as a result of developments at an international organisation to which the EU or EU Member States or New Zealand are a Member of, the Parties shall discuss the matter in the [Wine Committee] with each other with a view to finding a mutually satisfactory solution.

7. The Parties shall undertake a general review of the operation of Article X.5 and relevant appendices within 5 years of the entry into force of this Agreement and at least every 5 years thereafter, unless the Parties decide otherwise.

ARTICLE X.6

Labelling – General requirements

1. The importing party may require that all information on a label shall be clear, accurate, truthful, able to be substantiated and not misleading to the consumer.
2. The importing Party may require that labelling information appear in one of the languages in official use in the territory of that Party as provided for in its laws, regulations and requirements.
3. The importing Party may require that mandatory information is presented in indelible characters and is written or set out legibly and clearly including so as to contrast distinctly with the background and surrounding text or graphics.
4. Each importing Party shall permit information on a label to be repeated on the container, whether or not in the same form.
5. The importing Party may prohibit the use of certain label claims where such a measure serves a legitimate human health and safety objective.
6. Each Party shall permit mandatory information to be displayed on a supplementary label affixed to the container. Supplementary labels may be affixed to an imported container after importation but prior to the product being offered for sale in the territory of the importing Party, provided that the mandatory information of the importing Party is fully and accurately displayed.

ARTICLE X.7

Placement of Mandatory Labelling Information

1. Nothing in this Annex shall prevent an importing Party from requiring mandatory labelling information to be specified on the container.

2. Neither importing Party shall impose on wine produced in the other Party new precise location requirements for mandatory labelling information after the date of entry into force of this Agreement.
3. Notwithstanding paragraph 2:
 - a) an importing Party may require that one or more items of mandatory labelling information or optional labelling information or both appear in the same field of vision as, or in conjunction with, or in a certain proximity to, one another; and
 - b) an importing Party may require that mandatory labelling information is not displayed on the base or cap, or other part of a container not visible to the consumer.

ARTICLE X.9

Mandatory Labelling Information - Specifications

1. Product name

The European Union shall permit the use of the term « wine » as the product name for wine produced in New Zealand and imported and marketed in the European Union provided the wine has an actual alcoholic strength of not less than 7% vol and/or a total alcoholic strength of not more than 20% vol.

2. Actual alcohol strength by volume

- (a) The importing Party shall permit the actual alcohol content by volume to be indicated on the label in percentage terms to a maximum of one decimal point (e.g., 12%, 12.0%, 12.1%, 12.2%).
- (b) The importing Party shall permit the actual alcohol content by volume to be expressed by alc/vol (e.g., 12% alc/vol, alc12% vol, 12% vol.).
- (c) Without prejudice to the tolerances set for the reference analysis method used, the importing Party shall permit the actual alcohol strength by volume of wines imported from the exporting Party and indicated on the label to vary by up to 0.8% vol or by up to 0.5% vol for fortified wines from that given by analysis from the indication of alcohol content on the label.

3. Lot identification

- (a) The importing Party may require the provision of lot identification on wine labels.
- (b) The importing Party shall prohibit the defacement* of lot identification information, unless the relevant authority permits otherwise.
- (c) No Party shall allow packaged products to be placed on the market for sale in its territory which are not compliant with this requirement.

*For greater certainty, defacement includes the following actions: alter, remove, erase, obliterate and obscure.

ARTICLE X10

Optional Labelling Information

1. Subject to Article X.6 [labelling – general requirements], the importing Party shall permit labels to contain information other than mandatory information in accordance with its laws and regulations.
2. Neither importing Party shall restrict the placement of optional information.

ARTICLE X.11

Optional Information – Vintage and Variety

1. Vintage

The importing Party shall permit the importation and sale of wine which is labelled with a vintage if:

- (a) the wine conforms to the exporting Party's laws, regulations and requirements in respect of a vintage; and
- (b) at least 85 per cent of the wine is derived from grapes of that vintage.

For wines produced in the EU that are traditionally obtained from grapes harvested in January or February, the vintage year to appear on the label may be that of the previous calendar year.

2. Variety

- (a) The importing Party shall permit the importation and sale of wine which is labelled as being of a single grape variety, if:
 - I. the wine conforms to the exporting Party's laws, regulations and requirements in respect of varietal composition, and
 - II. at least 85 per cent of the wine so labelled is obtained from grapes of that variety.

- (b) The importing Party shall permit the importation and sale of wine which is labelled as being of multiple grape varieties, if:
- I. the wine conforms to the exporting Party's laws, regulations and requirements in respect of varietal composition;
 - II. at least 85 per cent of the wine so labelled is obtained from grapes of those varieties;
 - III. each variety listed is in greater proportion in the wine than any variety that is not listed; and
 - IV. the varieties listed are in descending order of their proportions in the wine and, if required by the importing Party, in characters of the same size.

ARTICLE X.12

Certification

1. Unless necessary to protect human health and safety the Parties shall not submit imports of wine produced in the other Party to a more restrictive system of certification or more far-reaching certification requirements than those provided for in their respective laws and regulations in force at the date of entry into force of the Agreement.
2. The European Union shall authorise the imports of wine produced in NZ in accordance with the simplified VI-1 document, the format and required information of which are specified in Appendix C-1, or in accordance with the simplified certificate document specified in Appendix C-2.
3. In the event of questions in relation to test results, the Parties shall apply the reference methods of analysis recommended and published by the OIV or, in case those methods do not exist, a method of analysis complying with the standards recommended by the International Organisation for Standardisation (ISO), unless the relevant competent authorities jointly agree otherwise.

ARTICLE X.13

Food information

1. Neither Party shall require any of the following to appear on the container, label, or packaging of a wine:
 - (a) date of packaging;
 - (b) date of bottling;
 - (c) date of production or manufacture;
 - (d) date of expiration;
 - (e) date of minimum durability; or

- (f) sell-by-date.

By way of derogation to points (d) and (e), a Party may require the display of a date of expiration or minimum durability on products that on account of the packaging or the addition of perishable ingredients could have a shorter date of expiration or minimum durability than would normally be expected by the consumer.

2. A party may also require the display of a date of minimum durability on wine that has undergone a de-alcoholisation treatment and has an actual alcoholic strength by volume of less than 10%.

ARTICLE X.14

Presentation and description of spirits

Articles X.6 [Labelling - General requirements], X.9(3) [Lot identification], and X.13(1) [food information] shall apply mutatis mutandis to the presentation and description of spirits.

ARTICLE X.15

General provisions

1. The Wine and Spirits Committee ('the Committee') shall be hereby established under [Art xx of the Institutional provisions]. The Committee shall be comprised of official representatives of the Parties. The Committee shall adopt recommendations and decisions by consensus and shall report to the [Trade Committee].
2. The Committee may establish its own rules of procedure. It shall meet within one year of the date of entry into force of this Agreement. Thereafter it may meet at the request of either of the Parties, alternately in the Union or in New Zealand, or by any other appropriate means of communication at a time mutually determined by the Parties, but no later than 90 days after the request, or it may meet at intervals as decided by the Committee.
3. The Committee shall monitor the implementation and operation of this Annex.
4. The Committee may, whenever necessary:
 - (a) make recommendations or submit proposals for decisions to the [Trade Committee], in particular to modify the Appendices to this Annex, in accordance with the provisions of this Annex;
 - (b) discuss and, whenever appropriate, issue decisions concerning the matters covered by Article X.5.5;
 - (c) discuss and, whenever appropriate, make recommendations or submit proposals for decisions to be adopted by the [Trade Committee] concerning the matters covered by Articles X.5.6 and X.5.7;
 - (d) exchange information between the Parties to optimise the operation of this Annex;

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- (e) discuss any matter of mutual interest in the wine and spirits sector (and may make recommendations on those if agreed); and
- (f) consider any other matters referred to it by the Trade Committee.

ARTICLE X.16

Existing stocks

1. Products which, at the date of entry into force of this Agreement, have been produced or labelled in accordance with the internal laws and regulations of the Parties and their bilateral obligations to each other, but in a manner not compliant with the provisions of this Annex may be placed on the market for sale until stocks are exhausted.

ARTICLE X.17

Contact Point

1. Each Party shall notify the other Party of their contact point for the annex within 60 days of the date of entry into force of the Agreement.

Appendix A-1

New Zealand laws and regulations as referred to in Article X.5 1(a):

- (i) Wine Act 2003 and associated secondary legislation
- (ii) Australia New Zealand Food Standards Code

Appendix A-2

New Zealand laws and regulations as referred to in Article X.5 1(b):

- (i) Wine Act 2003 and associated secondary legislation
- (ii) Australia New Zealand Food Standards Code

Appendix A-3

Additional New Zealand Oenological Practices as referred to in Article X.5 1(c) for wine produced in New Zealand and imported into the European Union:

Use in accordance with the provisions laid down in New Zealand laws and regulations:

- ammonium sulphate
- diammonium phosphates
- thiamine hydrochloride
- calcium carbonate
- potassium carbonate
- calcium tartrate
- addition of grape must, concentrated grape must or rectified concentrated grape must for sweetening
- plant proteins
- enzymes approved for food production
- lysozyme
- use of gum arabic
- use of oenological carbon/activated carbon
- copper citrate
- addition of sucrose, concentrated grape must or rectified concentrated grape must to increase the natural alcoholic strength of grapes, grape must or wine.
- yeast hulls
- inactivated yeasts with guaranteed glutathione levels
- potassium hydrogen carbonate
- potassium tartrate
- sodium carboxymethylcellulose
- Fumaric acid
- Use of selective plant fibres
- The addition of water in winemaking is excluded, except where required on account of a specific technical necessity.

Use of the following for all types of sparkling wines:

- Expedition liqueur - Sucrose, grape must, grape must in fermentation, concentrated grape must, rectified concentrated grape must, wine and wine distillate

Practices subject to importing parties' laws and regulations

- The use of sulphur dioxide and sulphites in wine.
- Tirage liqueur.
- Fresh Lees.

Agreed with specified limits

- use of hydrogen peroxide up to a maximum of 5 mg/kg.
- use of L-ascorbic acid or erythorbic acid in wine is permitted up to a maximum level of 300mg/L in the final product as marketed.

Appendix B-1

European Union laws and regulations as referred to in Article X.5 2(a):

- Regulation (EU) No 1308/2013 of the European Parliament and of the Council⁷, in particular production rules in the wine sector, in accordance with Articles 75, 81 and 91, Part IV of Annex II and Part II of Annex VII to that Regulation; and
- Commission Delegated Regulation (EU) 2019/33⁸, in particular Articles 47, 52 to 54 and Annexes III, V and VI to that Regulation.

Appendix B-2

European Union laws and regulations as referred to in Article X.5 2(b):

- Regulation (EU) No 1308/2013, in particular oenological practices and restrictions in accordance with Articles 80 and 83 and Annex VIII to that Regulation; and
- Commission Delegated Regulation (EU) 2019/934.⁹

⁷ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ EU L 374, 20.12.2013, p. 671).

⁸ Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation (OJ EU L 9, 11.1.2019, p.2).

⁹ Commission Delegated Regulation (EU) 2019/934 of 12 March 2019 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and

Appendix B-3

Additional European Union Oenological Practices as referred to in Article X.5 1(c) for wine produced in the European Union and imported into New Zealand:

- Concentrated grape must, rectified concentrated grape must and sucrose may be used for enrichment and sweetening under the specific and limited conditions respectively in Part I of Annex VIII to Regulation (EU) No 1308/2013 and in Part D of Annex I to Commission Delegated Regulation (EU) 2019/934, subject to the exclusion of use of these products in a reconstituted form in wines covered by this Agreement;
- the addition of water in winemaking is excluded, except where required on account of a specific technical necessity; and
- fresh lees may be used under the specific and limited conditions set out in line item 11.2 of Table 2 of Part A of Annex I to Commission Delegated Regulation (EU) 2019/934.

Practices subject to importing parties' laws and regulations

- The use of sulphur dioxide and sulphites in wine.
- Tirage liqueur.

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Appendix C-1 Simplified VI-1 Document

TEMPLATE OF CERTIFICATE ISSUED BY MPI FOR WINE PRODUCED IN NEW ZEALAND AND IMPORTED INTO THE EU ⁽¹⁾

| | |
|---|--|
| 1. Exporter (name and address) | <p>THIRD COUNTRY OF ISSUE: NEW ZEALAND</p> <p>Simplified VI-1 Serial No:</p> <p style="text-align: center;">DOCUMENT FOR THE IMPORT OF WINE INTO THE EUROPEAN UNION</p> |
| 2. Consignee (name and address) | 3. Customs stamp (for official EU use only) |
| 4. Means of transport and transport details | 5. Place of unloading (if different from 2) |
| 6. Description of the imported product | 7. Quantity in l/hl/kg ⁽²⁾ |
| | 8. Number of containers ⁽³⁾ |
| <p>9. CERTIFICATE</p> <p><i>The product described above is intended for direct human consumption and complies with the definitions and oenological practices authorised in accordance with the terms of the Wine Annex/Annex [XX] on Trade in Wine of the EU-NZ FTA.</i></p> <p>Full name and address of the competent body: _____ Place and date: _____</p> <p>Stamp: _____ Signature, name and title of official: _____</p> | |

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10. ANALYSIS REPORT (describing the analytical characteristics of the product described above)

— Actual alcoholic strength:

— Total sulphur dioxide:

— Total acidity:

Full name and address of the designated body or department (laboratory):

Stamp:

Place and date:

Signature, name and title of official:

- (1) In accordance with [Article XX Certification] of the Wine Annex/Annex [XX] on Trade in Wine of the Free Trade Agreement between the European Union and New Zealand (EU-NZ FTA).
- (2) Delete as appropriate.
- (3) A container means a recipient for wine of less than 60 litres. The number of containers may be the number of bottles.

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Attribution (entry into free circulation and issue of extracts)

| Quantity | 11. No and date of the customs document of release into free circulation and of the extract | 12. Full name and address of consignee (extract) | 13. Stamp of the competent authority |
|-------------------|---|--|--------------------------------------|
| Available | | | |
| Attributed | | | |
| Available | | | |
| Attributed | | | |
| Available | | | |
| Attributed | | | |
| Available | | | |
| Attributed | | | |
| 14. Other remarks | | | |

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Appendix C-2 Simplified Certificate

TEMPLATE OF CERTIFICATE ISSUED BY MPI FOR WINE PRODUCED IN NEW ZEALAND AND IMPORTED INTO THE EU ⁽¹⁾

| | |
|---|--|
| 1. Exporter (name and address) | <p>THIRD COUNTRY OF ISSUE: NEW ZEALAND</p> <p>Serial No ⁽²⁾:</p> <p style="text-align: center;">DOCUMENT FOR THE IMPORT OF WINE INTO THE EUROPEAN UNION</p> |
| 2. Consignee (name and address) | 3. Customs stamp (for official EU use only) |
| 4. Means of transport and transport details ⁽³⁾ | 5. Place of unloading (if different from 2) |
| 6. Description of the imported product ⁽⁴⁾ | 7. Quantity in l/hl/kg ⁽⁵⁾ |
| | 8. Number of containers ⁽⁶⁾ |
| <p>9. Certificate</p> <p><i>The product described above is intended for direct human consumption and complies with the definitions and oenological practices authorised in accordance with the terms of the Wine Annex/Annex [XX] on Trade in Wine of the EU-NZ FTA.</i></p> <p>Full name and address of the competent body: Place and date:</p> <p>Stamp: Signature, name and title of official:</p> | |

- (1) In accordance with [Article 12 Certification] of the Wine Annex/Annex [XX] on Trade in Wine of the Free Trade Agreement between the European Union and New Zealand (EU-NZ FTA).
- (2) This is the traceability number of the lot allocated by the New Zealand competent body.
- (3) Indicate: transport used for delivery to the point of entry into the EU specify transport mode (ship, air, etc.), state name of the means of transport (ship, number of flight, etc).
- (4) Indicate the following information:
 - Sale designation (as it appears on the label, such as name of producer, wine-growing region, brand name, etc.);
 - Name of the country of origin: [indicate 'New Zealand'];
 - Name of the geographical indication, provided the wine qualifies for such a geographical indication (e.g. protected designation of origin, protected geographical indication);
 - Actual alcoholic strength by volume;
 - Colour of the product (state 'red', 'rosé', 'pink' or 'white' only);
 - Combined Nomenclature code (CN code).
- (5) Delete as appropriate.
- (6) A container means a recipient for wine of less than 60 litres. The number of containers may be the number of bottles.

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Attribution (entry into free circulation and issue of extracts)

| Quantity | 10. No and date of customs document of release for free circulation and of the extract | 11. Full name and address of consignee (extract) | 12. Seal of the competent authority |
|-------------------|--|--|-------------------------------------|
| Available | | | |
| Attributed | | | |
| Available | | | |
| Attributed | | | |
| Available | | | |
| Attributed | | | |
| Available | | | |
| Attributed | | | |
| 13. Other remarks | | | |