Ministry for Primary Industries
Manatū Ahu Matua

Guidance Document

Wine Export and Exemptions

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Te Kāwanatanga o Aotearoa
New Zealand Government

Title

Guidance Document: Wine Export and Exemptions

About this document

This guidance document has been prepared to assist wine business and exporters to meet the requirements of the Wine Act 2003 in relation to exporting.

The Wine Act 2003, the Wine Regulations 2021 and the Wine Notice: Export Requirements and Exemptions comprise the legal requirements and should be read and referred to in the first instance.

Related Requirements

This document should be read in conjunction with the:

a) Wine Act 2003 (called the 'Act' in this guidance);
b) Wine Regulations 2021 (called the 'Regulations' in this guidance); and
c) Wine Notice: Export Requirements and Exemptions (called the 'Notice' in this guidance).

Document history

Version Date	Section Changed	Change(s) Description
October 2023		New document.
December 2024	2 (2) 4 (6) 7 (4) and (5) 8 (2)(a) and 3 (e) 10 (1), (3) and (4) 10.1.2 (2) 10.1.3 (3) and (5) 11 (3) 11.3.1 (1)	Changed to reflect MPI Trade Certification

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Disclaimer

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1 Purpose

This guidance document has been prepared by the Ministry for Primary Industries (MPI).

It is intended to assist wine businesses to comply with the relevant legal requirements of:

a) Wine Act 2003 (the Act);
b) Wine Regulations 2021 (the Regulations); and
c) Wine Notice: Export Requirements and Exemptions (the Notice).

The Act, Regulations and Notice contain the legal requirements that a wine business must meet in order to export wine. Exporters should familiarise themselves with these requirements before exporting wine.

Labelling of wine for export must meet New Zealand standards unless there is a conflict with the labelling requirements of the destination market. New Zealand Winegrowers provides a comprehensive labelling guide for its members that is regularly updated (member login in required).

Overseas market access requirements (OMARs) are additional to export eligibility requirements and are not included in the Notice. They are notified individually and provide market specific details to assist wine businesses. Details on current wine OMARs, including export documentation, can be found here. Wine that is exported must comply with the New Zealand requirements under the Act as well as any relevant OMAR requirements.

This guidance document does not cover the export of organic wine. Exporters of organic wine should refer to the MPI website for information on any additional requirements here.

2 Definitions

(1) Refer to the Wine Act 2003, Wine Regulations 2021 and the Wine Notice: Export Requirements and Exemptions for definitions.

(2) In this guidance document, these additional definitions are provided for clarification:

Export eligibility statement (EES) means the export eligibility certificate referred to in section 38 of the Act. It is a document that enables customs clearance of a specific consignment of wine from New Zealand.

Non-New Zealand grape wine means wine that is not made exclusively from grapes that were grown in New Zealand. This includes multi-country blends.

3 Duties of exporters

(1) Section 40 of the Act sets out obligations on exporters of wine from New Zealand.

(2) Where these duties are not met (for example, the wine contains a hazard or is otherwise not suitable for export), MPI will work with the exporter to determine the root cause and any corrective actions that need to be taken. This may include placing the batches on hold until the investigation is complete.

(3) Where duties of exporters are not met, MPI may consider this an export non-compliance. More information on export non-compliances can be found here.

4 Export eligibility requirements – New Zealand grape wine

(1) Regulation 87 in the Regulations sets out export eligibility requirements and these apply to all New Zealand grape wine exported for the purposes of reward or trade, unless exempt. This includes wine that is purchased online and exported to individual customers.

(2) Export eligibility requirements include that:

a) the wine is made under a wine standards management plan (WSMP) that is verified every 12 months. The WSMP verification provides MPI with confidence that wine is made in accordance with requirements under the Act, and appropriate records are being kept; and
b) the wine has been determined to be free from obvious fault.

(3) For clarity, wine made under a very small winemakers' exemption cannot be sold for export. Further details are included in regulation 19 in the Regulations. Section 7.1 of this document provides further information on this.

(4) Export eligibility is given for a limited duration depending on the packaging format of the wine.

a) For general markets this means the wine batch is valid for:

i) packaged wine – up to a maximum of two years; and
ii) bulk wine – up to a maximum of three months.

b) Where an OMAR specifies a chemical analysis requirement, the duration of market eligibility is limited and is specified in that OMAR.

(5) Export eligibility can be extended following a further sensory assessment when eligibility expires.

(6) Exporters must apply via MPI Trade Certification for export eligibility for each batch of wine prior to export. Trade Certification is MPI's electronic system for export certification. You can find instructions for accessing and using MPI Trade Certification at the MPI website How to use MPI Trade Certification.

(7) Each wine must be eligible before it can be included as part of an export consignment request.

(8) When a consignment request is approved, relevant export documentation will be produced. This includes an Export Eligibility Statement (EES) and may include additional documentation depending on the destination market.

(9) In some circumstances there are exemptions from some or all export requirements that may apply. Refer to section 7 for further information.

(10) Additionally, there are some situations where export eligibility requirements to do not apply. These are detailed in Table 1.

Table 1: Scenarios where export eligibility requirements do and do not apply.

Example	Do export eligibility requirements apply?	Who is exporting the wine?
1. Online / phone / email sales to customers overseas – buyer enters into a contract with the winery / wine retailer, and they send the wine overseas using a third party.	Yes	The winery / wine retailer is the exporter, and the export is for reward or for the purposes of trade.
2. A company sells wine on the internet and sources that wine from New Zealand wineries for sale to customers overseas.	Yes	The internet sales company is the exporter on behalf of the winery and the export is for reward or for the purposes of trade.
3. Customer comes to the cellar door / wine retailer, buys wine and takes it home with them overseas in their suitcase for their personal use.	No	The customer is exporting wine for their personal use.

Example	Do export eligibility requirements apply?	Who is exporting the wine?
4. Customer comes to the cellar door / wine retailer, buys wine and has the cellar door / wine retailer arrange to export it home to them for personal use.	No	The customer is exporting wine for their personal use.
5. Customer comes to the cellar door / wine retailer, buys the wine and the cellar door / wine retailer *recommends* an exporting company that the customer could use to send the wine home overseas (but the winery does not arrange the export) as it is for their personal use.	No	The customer is exporting wine for their personal use.
6. Customer comes to the cellar door / wine retailer, buys wine and then takes it to the post office / freight forwarder and contracts them to send it overseas for their personal use.	No	The customer is exporting wine for their personal use.
7. Wine tour company brings customers to the cellar door, then the wine tour company arranges the export of any wine purchased (either themselves, or by another third party exporting company) for the customer's personal use.	No	The customer is exporting wine for their personal use.
8. If a person is sending wine overseas as a gift.	No	The export of a gift is not for reward or for the purposes of trade.
9. If a person is relocating to another country and wishes to take their personal cellar with them for personal use.	No	The person who owns the wine can export it for their personal use.

5 Export of organic wine

(1) If you are exporting organic wine, please check MPI's website here for additional requirements that may apply and how to apply for the necessary export documentation. For some markets it is not possible for MPI to issue export documentation after the wine has been shipped.

6 Export requirements – fruit wine, cider, mead, wine products and non-New Zealand grape wine

(1) All exporters of fruit wine, cider, mead, wine products and non-New Zealand grape wine must be registered with MPI. For clarity, this includes multi-country blends (for example, a blend of New Zealand and Australian wine).

(2) You need to complete a WA1 – Wine exporter registration form to register as an exporter. Further information is available here.

(3) MPI does not provide any official assurances for these types of products.

(4) Most of New Zealand's trading partners do not require certification for these products, however you may be asked for a Free Sales Certificate if you are exporting to China.

a) A Free Sales Certificate is a document that confirms a product's compliance with New Zealand requirements.
b) Check with your importer to see if this is required.

(5) You can apply for a Free Sales Certificate by contacting the MPI Certification team on FreeSalesApplications@mpi.govt.nz.

(6) If you require further information about exporting these products, contact the MPI Export Regulatory Advice Service on exporterhelp@mpi.govt.nz.

7 Exemptions from export requirements

(1) Exemptions from all or some export eligibility requirements are outlined in Part 4 of the Notice.

(2) Where there is an OMAR in place for a market, these exemptions may not apply, or conditions may vary. OMARs can be found here.

(3) Trade samples of all wine up to a maximum of 110 L per consignment are exempt from export requirements.

a) For New Zealand grape wine this means that the wine is exempt from export eligibility requirements.
b) For fruit wine, cider, mead, wine products and non-New Zealand grape wine, this means that the exporter is exempt from the requirement to register as an exporter.
c) Trade sample means wine that is:

i) not intended for retail sale; and
ii) is in a bottle that is clearly marked or clearly indicates that it is not for sale.

d) If a wine is not eligible for a specific market, it cannot be exported as a trade sample.

(4) Wine consumed by passengers or crew during transit on an aeroplane leaving New Zealand is exempt from export requirements. These wines do not require export eligibility.

a) In practice, this means that these wines do not need to be registered in MPI Trade Certification if sold for consumption on the flight.

(5) New Zealand grape wine that is exported for reward or trade, up to a maximum of 27 L per consignment, is exempt from EES requirements. For this exemption, exporters should note the following points:

a) The wine must be registered in MPI Trade Certification and be eligible for export.
b) The exporter does not need to raise a consignment request in MPI Trade Certification.
c) Specific record keeping requirements apply as detailed in the Notice.
d) Any wine exported to markets requiring an official assurance, as specified by OMARs, is not eligible for this exemption. Official assurances are only available via a MPI Trade Certification consignment request.
e) Some examples of where this exemption applies are detailed in Table 2.

(6) There are specific New Zealand Customs Service permit codes in place to enable exempt wine consignments to clear customs in New Zealand. Please refer to section 8 for details.

Table 2: Examples of where the 27 L exemption applies

Example	Does the 27 L exemption apply?	Who is exporting the wine?
1. In Australia, an individual orders one 750 ml bottle of New Zealand grape wine online directly from a winery in New Zealand for personal consumption.	Yes. An exemption from EES is available.	The wine has been 'sold' and is being exported for the purposes of 'trade' so the winery can use a 27 L exemption to send it.
2. The owner of a wine shop in Singapore buys 36 x 750 ml bottles (27 L) of New Zealand grape wine online that they intend to sell in their wine shop.	Yes. An exemption from EES is available.	The wine is being exported for the purposes of trade therefore the 27 L exemption can be used to send the wine.
3. An individual in the Canada orders 3 x 750 mL bottles (5.25 L) New Zealand grape wine (from 3 different wineries) from an online wine shop. The retailer it was ordered from arranges for it to be exported from New Zealand overseas.	Yes. An exemption from EES is available.	The wine is being exported for the purposes of trade therefore the retailer that places the 3 bottles of wine into the box and sends them can use an exemption.
4. A German wine shop orders 24 x 750 ml bottles of New Zealand grape wine from a New Zealand online wine shop that they intend to sell in their shop in Germany.	No. All export eligibility requirements apply. No exemption from EES is available.	The wine is being exported for the purposes of reward or trade however it is being exported to the EU. An official assurance is required in this case as the wine is intended for retail sale.
5. A registered wine exporter in New Zealand sends a magnum of French Champagne to a customer in Hong Kong	No. This exemption only applies to New Zealand grape wine.	Registered exporters of non-New Zealand grape wine must use their multi-use WIF permit number for exports of other types of wine

7.1 Very small winemaker exemption

(1) Businesses that operate under a very small winemakers' exemption are prohibited from exporting wine or making wine for export, refer to regulation 19 in the Regulations.

(2) Winemakers operating under this exemption may sell wine at their cellar door to customers who make their own arrangements to export it back to their country. This is permitted as the wine is for personal use and therefore not captured by the Act.

(3) Wine businesses operating under this exemption are not permitted to send wine overseas on behalf of their customer as this is considered an 'export' by the business.

8 Clearing Customs in New Zealand

(1) Wine is a regulated good when it comes to the New Zealand Customs Service (NZCS) and requires a permit number for clearance when exported from New Zealand.

(2) Most exporters do not deal directly with the NZCS system, this is completed on the exporter's behalf by the freight forwarder, who enters the permit number or code into their Customs Entry.

a) For New Zealand grape wine this is a 'WIN number'. It is a unique number generated for each consignment in MPI Trade Certification and issued via the EES.
b) For fruit wine, cider, mead, wine products and non-New Zealand grape wine this is a 'WIF number'.

i) MPI issues this code to these exporters in the letter accompanying the Notice of Registration when they register as an exporter. It is a multi-use permit number.
ii) It is important to keep the approved wine exporter registration letter on file when it is issued so that the WIF number can be easily referenced.

Table 3: Customs permits and prohibited codes

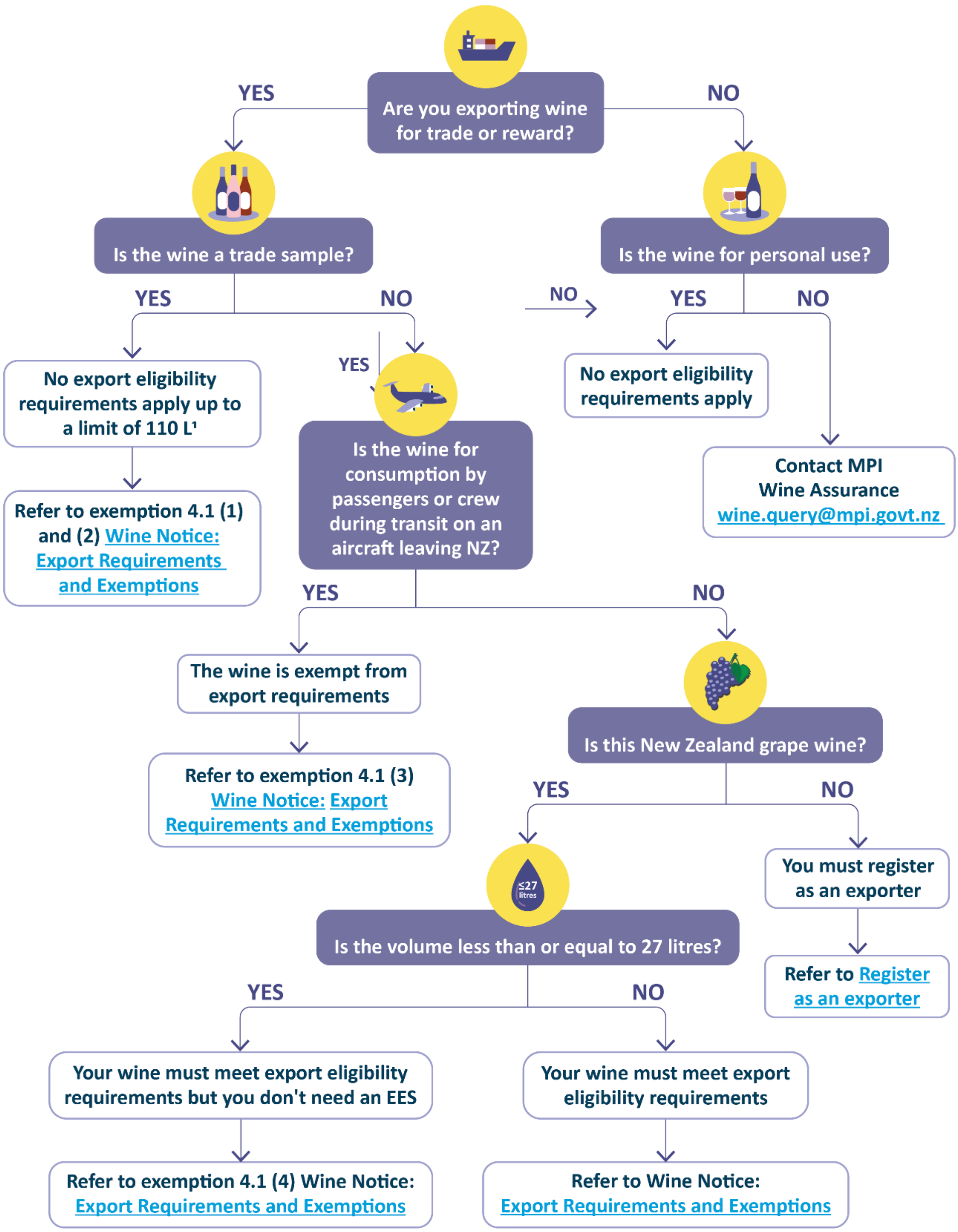
Code	Type	Use
WIN	Single use permit authority code	Consignments of New Zealand grape wine
WIF	Multi-use permit authority code	Consignments of fruit wine, cider, mead, grape wine made from less than 100% New Zealand grapes and wine products
SAM	Prohibited code	Samples of wine up to 110 L
DTC	Prohibited code	New Zealand grape wine for reward or trade, up to 27 L

(3) Certain wine exports are exempt from some or all export requirements imposed under the Wine Act. These exports still require a Customs Entry to be lodged, and special codes are available to enable clearance under these exemptions:

a) SAM - use for trade samples as described in section 7(3) of this document.
b) DTC - use for small volume exports of New Zealand grape wine as described in section 7(5) of this document.
c) Freight forwarders enter these codes into their Customs Entry however exporters need to ensure their freight forwarder understands which exemption applies to any particular consignment.
d) Under the Notice, exporters are required to keep specific records relating to small volume exports qualifying for the DTC code.
e) Where wine is exported using the SAM or DTC code, this will not go through the MPI Trade Certification system. MPI recommends that wine businesses manually adjust batch volumes in MPI Trade Certification to account for these exports. This ensures your records accurately reflect your stock on hand.

9 Overview of wine export requirements

Exporting Wine Requirements Flowchart



Note:
1) If exporting to a country with an OMAR, different volume limits may apply

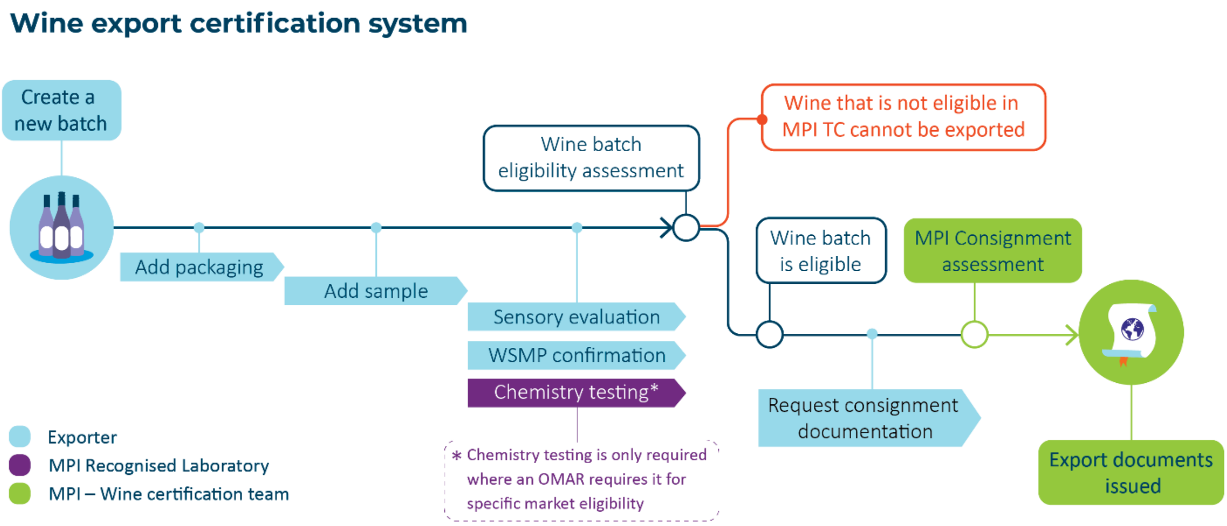
10 New Zealand grape wine export eligibility process

(1) Every batch of New Zealand grape wine that is exported is assessed for eligibility through MPI Trade Certification. Information is supplied by the wine business. This might be the winemaker or the owner of the wine that has commissioned its production. This information is confirmed by the winemaker and packager (if these are different) that own the WSMP(s) where the wine was processed.

(2) Export eligibility is based on:

a) a confirmed sensory declaration that the wine is free from obvious fault;
b) a confirmation from the winemaker and packager WSMP owners that details entered are correct;
c) the WSMP that applies to the site is verified every 12 months and there is an acceptable outcome; and
d) chemistry testing to support market specific eligibility if an OMAR specifies this.

(3) The below diagram shows the steps that need to be completed within MPI Trade Certification to gain export eligibility:



(4) MPI Trade Certification videos and guides are available on the MPI website. They provide a comprehensive guide on how to use MPI Trade Certification and how to monitor the progress of a batch through to export. Guidance can be found here.

10.1 Samples

10.1.1 Sample criteria

(1) Samples for sensory evaluation and chemistry testing (if required for a specific market) must be collected from and representative of a homogeneous stable batch of wine that is either packaged for retail sale or ready to be exported.

(2) Tanks of wine of the same batch that are treated or have separate winemaking adjustments, even if they contain the same basic wine components or “blend”, will be considered to be different wine for the purpose of export eligibility and will need to be registered as a new wine batch.

(3) Sulphur dioxide adjustments are the only permitted winemaking adjustment allowed following export eligibility sample submission. This adjustment cannot vary the total sulphur dioxide level by more than 10 mg/kg.

a) You can compare the total sulphur dioxide result in the wine prior to bottling/dispatch with the result from the sample that was provided for sensory evaluation and chemistry testing (if relevant).

(4) For bulk exports, samples can be taken from the tank that the flexitank is to be filled from, prior to export.

(5) A wine business must retain two samples from each batch of wine for two months from the date export eligibility is obtained. After this time the samples are no longer required.

10.1.2 Multi-day bottling:

(1) Where a single batch of wine is bottled over multiple days and undergoes a limited adjustment to ensure that the total sulphur dioxide content remains at a consistent level, this will be considered to be the same wine for the purpose of export eligibility, provided that:

a) the sample submitted for export eligibility is finished wine, including the final level of total sulphur dioxide in the finished product; and
b) the total sulphur dioxide level in wines from subsequent bottling runs does not vary by more than 10 mg/kg from the sample submitted for sensory evaluation and chemistry testing (if relevant); and
c) the total sulphur dioxide level of wines from subsequent bottling runs does not exceed the legal maximum in New Zealand or, where relevant, the limits specified in an OMAR; and
d) the wine is bottled under the same WSMP number. A single batch can only be associated with a single bottler WSMP number; therefore wines bottled at different sites and therefore under different WSMP numbers are regarded as different batches.

(2) If the wine in subsequent bottlings doesn't comply with subclause (1), it will need to be registered as a separate wine batch in MPI Trade Certification.

10.1.3 Sensory evaluation

(1) New Zealand grape wine must be free from obvious fault as determined by an experienced winemaker, refer to regulation 87 in the Regulations.

(2) Obvious fault is defined as oxidised, malodourous or tainted by extraneous flavours. For further clarification:

a) oxidised means that the wine shows oxidation related faults including colour, taste and/or aroma faults;
b) tainted by extraneous flavours means that wine is tainted by extraneous flavours derived from constituents foreign to winemaking best practise; and
c) malodorous means the wine shows one of the following:

i) mouldiness;
ii) mousiness;
iii) excessive sulphide characteristics;
iv) volatile acidity identified by the sensory evaluation as affecting the organoleptic acceptability of the wine;
v) free sulphur dioxide, where the sulphur dioxide is below the legal limit, however is identified by sensory evaluation as affecting the organoleptic acceptability of the wine; and
vi) microbiological contamination.

(3) A wine business must arrange for an experienced winemaker to provide a sensory evaluation of a sample. The sensory evaluation declaration is made electronically in MPI Trade Certification.

(4) An experienced winemaker is defined as a winemaker who has at least two years' grape winemaking experience and is sufficiently skilled to enable detection of obvious faults in grape wine. The experienced winemaker can be from the same or different company to the wine business applying for export eligibility of the wine batch.

(5) Wine businesses must keep a record of the sensory evaluation declaration so that it can be verified.

a) If the experienced winemaker works for the wine business and has access to MPI Trade Certification, they can record the result directly into the system,
b) If the experienced winemaker is external to the wine business or does not have access to MPI Trade Certification for that business, the wine business must keep records of the declaration provided. This may be in the form of an email or written confirmation.

10.1.4 Chemistry testing

(1) Chemistry testing is required by some importing countries to meet relevant OMARs. Details around which countries require chemistry testing can be found in the OMAR on the MPI Wine OMAR website here.

(2) The tests that enable an official assurance to be issued for wines sent to these markets must be completed by a MPI recognised laboratory. The tests must also be within that laboratory's scope of ISO 17025 accreditation for wine.

11 Export documentation

11.1 Requesting an export eligibility statement for New Zealand grape wine

(1) An EES is the document that confirms to the New Zealand Customs Service that each wine in a consignment complies with export eligibility requirements. This is required for all New Zealand grape wine that is exported.

(2) This certificate includes the unique WIN number that enables wine to clear Customs in New Zealand.

(3) It is automatically generated in MPI Trade Certification when a consignment is approved and emailed to the exporter and freight forwarder.

(4) This number is used by the freight forwarder in the NZCS system.

11.2 Issuing of other export documents for all types of wine

(1) Some markets require additional documents where there are no OMARs in place, please work directly with your importing agent to check for certification and any other requirements. Further information is on this MPI website depending upon what type of wines are being exported:

a) New Zealand grape wine;
b) fruit wine, cider, mead, wine product and non-New Zealand grape wine.

(2) MPI is able to issue a Free Sale Certificate where required by the importing country's government.

(3) MPI is also able to issue a Free Sales Advice Statement for product registration.

(4) If you are asked for a certificate that does not appear to be supplied, please contact the MPI Wine Assurance team on wine.query@mpi.govt.nz.

11.3 Official Assurances

11.3.1 Requesting an official assurance

(1) If specified in an OMAR, each wine in a consignment will need an official assurance document for that specific market. This is automatically generated in MPI Trade Certification depending on the destination market selected in the consignment request, provided each wine in a consignment has current eligibility for that market.

(2) Test results for official assurances are only valid for the period of time as specified in the OMAR. Wine will need to be re-tested after this time to renew market eligibility for the wine batch.

(3) Official organic assurances may be required in addition to those required in wine OMARs. More information on the Official Organic Assurance Programme can be found here.