

ANNEX 7A

WINE AND DISTILLED SPIRITS

Section A Wine

1. For the purposes of this Section:

“**container**” means a bottle, barrel, cask, or other closed receptacle, irrespective of size or of the material from which it is made, used for the retail sale of wine;

“**label**” means a brand, mark, pictorial, or other descriptive matter that is written, printed, stencilled, marked, embossed, or impressed on, or firmly affixed to, the primary container of wine;

“**mandatory information**” means information required by a Party to appear on a wine container, label, or packaging;¹

“**oenological practices**” means wine making materials, processes, treatments, and techniques, but does not include labelling, bottling, or packaging for final sale;

“**supplier**” means a producer, importer, exporter, bottler, or wholesaler;

“**variety**” means the cultivar of grape from which the wine is made;

“**vintage year**” means the year of harvest of the grapes used to make the wine; and

“**wine**” means a beverage produced by the complete or partial alcoholic fermentation exclusively of fresh grapes, grape must, or products derived from fresh grapes that has:

- (a) an actual alcoholic strength of not less than 8.5 per cent volume, or an actual alcoholic strength of not less than 4.5 per cent volume for a product permitted to have that lower actual alcoholic strength under the laws and regulations of the importing Party; and
- (b) a total alcoholic strength of not more than 20 per cent volume.

2. This Section shall apply to wine.

¹ For greater certainty, mandatory information shall be understood to refer to compulsory particulars required by the United Kingdom.

3. Unless otherwise provided in this Section, the importation and sale of wine covered by this Section shall be conducted in compliance with the laws and regulations of the importing Party.
4. Each Party shall make information about its laws and regulations concerning wine publicly available.
5. Each Party may require a supplier to ensure that a statement required by that Party to be placed on a wine label is:
 - (a) clear, specific, truthful, accurate, and not misleading to the consumer; and
 - (b) legible to the consumer,and that those labels be firmly affixed.
6. Each Party shall permit mandatory information on a label to be repeated on the container, whether or not in the same form, in a manner consistent with its laws and regulations.
7. Neither Party shall require a supplier to disclose an oenological practice on a wine label or container, except to meet a legitimate human health or safety objective for that oenological practice.
8. Each Party shall permit country of origin information to be presented in the form of “Product of”, “Wine of”, or a similar phrase, or the name of the country of origin, used as either an adjective or a noun in conjunction with the word “wine”.
9. Each Party shall permit suppliers to use the term “wine” as a product name in accordance with the definition set out in paragraph 1. A Party may require a supplier to indicate additional information on a wine label, such as an indication of any relevant category prescribed by the importing Party into which the wine falls.²
10. Each Party shall require a lot identification code to be placed on a wine container sold in its territory. By way of exception, a Party may not require a lot identification code:
 - (a) on a small container in accordance with the dimensions set out in the Party’s laws and regulations; or
 - (b) when a container is marked or labelled with the date of minimum durability, or “use by” date, with at least an indication of the day and

² For greater certainty, the United Kingdom shall not require the use of the terms “wine from overripe grapes” or “wine based drink” where a product falls within the definition of wine set out in paragraph 1.

month in that order, provided that information is readable without the use of any electronic or other apparatus.

11. Each Party shall permit net contents information to be stated using the metric system and displayed as either millilitres or litres, including the abbreviations ml, mL, l, and L.
12. Each Party shall permit the actual alcoholic content by volume indicated on a wine label to be expressed by alcohol by volume (alc/vol), for example 12% alc/vol or alc12%vol, and to be indicated in percentage terms to a maximum of one decimal point, for example 12.1%.
13. A Party's requirements for the percentage of the varietal composition shall be satisfied if a wine produced in the other Party is labelled as being of a single grape variety and at least 85 per cent of the wine is obtained from the named variety, after deduction of the quantity of any products used for sweetening, or fortification, and cultures of microorganisms.³
14. A Party's requirements for the percentage of the varietal composition shall be satisfied if a wine produced in the other Party is labelled as being of multiple grape varieties and at least 95 per cent of the wine is obtained from the named varieties, after deduction of the quantity of any products used for sweetening, or fortification, and cultures of microorganisms.⁴
15. A Party's percentage composition requirement for vintage labelling shall be satisfied if a wine produced in the other Party is labelled as being of a vintage year and at least 85 per cent of the wine is obtained from grapes harvested in that vintage year, after deduction of the quantity of any products used for sweetening, or fortification, and cultures of microorganisms.⁵
16. Neither Party shall require a supplier to place a translation of a trade mark or trade name on a wine container, label, or packaging.
17. Each Party shall permit mandatory information to be displayed on a supplementary label that is affixed to a wine container after the importation but prior to the product being offered for sale in the Party's territory, provided that the mandatory information of the importing Party is fully and accurately displayed. A Party may require that the supplementary label is affixed prior to release from customs.

³ For greater certainty, this paragraph does not preclude the application of other measures of the importing Party relating to varietal composition and single variety labelling.

⁴ For greater certainty, this paragraph does not preclude the application of other measures of the importing Party relating to varietal composition and multiple variety labelling.

⁵ For greater certainty, this paragraph does not preclude the application of other measures of the importing Party relating to vintage labelling.

18. The United Kingdom shall authorise the importation and sale of wine for human consumption produced in New Zealand in accordance with the oenological practices authorised under:
- (a) the laws and regulations of the United Kingdom; or
 - (b) the laws and regulations of New Zealand and listed in Appendix 7A-a.
19. The United Kingdom shall not require VI-1 certification for wine produced in New Zealand or any subsequent certification that is equivalent to VI-1 certification requirements.

Section B Distilled Spirits

1. For the purposes of this Section:

“container” means a bottle, barrel, cask, or other closed receptacle, irrespective of size or of the material from which it is made, used for the retail sale of distilled spirits;

“distilled spirits” means a potable alcoholic distillate, including spirits of wine, whisky/whiskey, rum, brandy, and gin;

“label” means a brand, mark, pictorial, or other descriptive matter that is written, printed, stencilled, marked, embossed or impressed on, or firmly affixed to, the primary container of distilled spirits;

“mandatory information” means information required by a Party to appear on a distilled spirits container, label, or packaging;⁶

“supplier” means a producer, importer, exporter, bottler, or wholesaler; and

“whisky” / “whiskey” means a distilled spirit produced by the distillation of a mash of cereals to which no substance other than water and plain caramel has been added and that is:

- (a) saccharified by the diastase of the malt contained therein, with or without other natural enzymes;
- (b) fermented by the action of yeast;
- (c) distilled at an alcoholic strength not exceeding 94.8 per cent by volume so that the distillate has the aroma and taste derived from the

⁶ For greater certainty, mandatory information shall be understood to refer to compulsory particulars required by the United Kingdom.

- raw materials used;
- (d) matured for at least two years in wooden casks not exceeding 700 litres capacity; and
 - (e) bottled at not less than 37 per cent by volume.
2. This Section shall apply to distilled spirits.
 3. Unless otherwise provided in this Section, the importation and sale of distilled spirits covered by this Section shall be conducted in compliance with the laws and regulations of the importing Party.
 4. Each Party shall make information about its laws and regulations concerning distilled spirits publicly available online.
 5. Each Party may require a supplier to ensure that any statement required by that Party to be placed on a distilled spirits label is:
 - (a) clear, specific, truthful, accurate, and not misleading to the consumer;
 - (b) legible to the consumer,and that those labels be firmly affixed.
 6. Each Party shall permit mandatory information to be displayed on a supplementary label that is affixed to the distilled spirits container after the importation but prior to the product being offered for sale in the Party's territory, provided that the mandatory information is fully and accurately displayed. A Party may require that the supplementary label be affixed prior to release from customs.
 7. Each Party shall permit the actual alcoholic content by volume indicated on a distilled spirits label to be expressed by alcohol by volume (alc/vol), for example 40% alc/vol or alc40%vol, and to be indicated in percentage terms to a maximum of one decimal point, for example 40.1%.
 8. Each Party shall require a lot identification code to be placed on a distilled spirits container sold in its territory. By way of exception, a Party may not require a lot identification code:
 - (a) on a small container in accordance with the dimensions set out in the Party's laws and regulations; or
 - (b) when a container is marked or labelled with the date of minimum durability, or "use by" date, with at least an indication of the day and month in that order, provided that information is readable without the use of any electronic or other apparatus.

9. Each Party shall make the removal or deliberate defacement of a lot identification code provided by the supplier and placed on the container liable to penalties, as appropriate, if the container is offered for sale or sold.
10. Neither Party shall require a supplier to indicate any of the following as information on a distilled spirits container, label, or packaging:
 - (a) date of production or manufacture;
 - (b) date of expiration;
 - (c) date of minimum durability; or
 - (d) sell by date,

except that a Party may require a supplier to indicate a date of minimum durability or expiration on products that could have a shorter date of minimum durability or expiration than would normally be expected by the consumer, because of the product's packaging or container, or the addition of perishable ingredients.

11. Unless problems of human health or safety arise or threaten to arise for a Party, a Party shall not normally apply a final technical regulation, standard, or conformity assessment procedure to distilled spirits that have been placed on the market in the Party's territory before the date of entry into force of the technical regulation, standard, or conformity assessment procedure, provided that the products are sold within a period of time after the date of entry into force of the technical regulation, standard, or conformity assessment procedure, stipulated by the authority responsible for that technical regulation, standard, or conformity assessment procedure.
12. New Zealand shall support any good faith and complete application submitted by the United Kingdom, or any persons of the United Kingdom, that is consistent with the definition recognised in paragraph 1, to secure a standard for "whisky" or "whiskey" in accordance with the procedures for amendment of the Australia New Zealand Joint Food Standards Code as provided for in the *Food Standards Australia New Zealand Act 1991*, and elaborated on in the Application Handbook as amended from time to time. For greater certainty, New Zealand shall provide support throughout the application process, once the application has been submitted.
13. Nothing in this Section shall be construed as preventing New Zealand from requesting that Food Standards Australia New Zealand consider developing a standard for "whisky" or "whiskey" as defined in paragraph 1 in accordance with the procedures for amendment of the Australia New Zealand Joint Food Standards Code, as provided for in the *Food Standards Australia New Zealand Act 1991*, and elaborated on in the Application Handbook as amended from time to time.

Section C
General Provisions

1. For the purposes of the effective implementation of this Annex, the Wine and Distilled Spirits Working Group (“the Working Group”) established under Article 30.10 (Working Groups – Institutional Provisions) shall report to the Trade in Goods Sub-Committee. The Working Group shall be composed of government representatives of each Party and it shall provide a forum to:
 - (a) monitor and promote cooperation on the implementation and operation of this Annex;
 - (b) monitor in particular the progress of any application made further to paragraph 12;
 - (c) request the Trade in Goods Sub-Committee make a referral to the Joint Committee to consider and adopt a modification of the Agreement in accordance with subparagraph 2(g)(v) of Article 30.2 (Functions of the Joint Committee – Institutional Provisions);
 - (d) undertake a work programme with the aim of arriving at a mutually satisfactory outcome on provisions relating to dealcoholised and partially dealcoholised wines as part of Section A; and
 - (e) where appropriate, monitor the commitments set out by each Party in the side letters relevant to this Annex concluded by the Parties in connection with the signing of this Agreement.
2. Additionally, the Working Group may:
 - (a) consider any other matters referred to it by the Joint Committee or the Trade in Goods Sub-Committee; and
 - (b) provide reports as needed to the Trade in Goods Sub-Committee regarding its activities.
3. The Working Group shall meet within one year of the date of entry into force of this Agreement. Thereafter, it may meet by agreement of the Parties. It may meet physically or virtually as agreed.

APPENDIX 7A-a

OENOLOGICAL PRACTICES AUTHORISED UNDER THE LAWS AND REGULATIONS OF NEW ZEALAND AS REFERRED TO IN SUBPARAGRAPH 18(b) OF SECTION A OF ANNEX 7A (WINE AND DISTILLED SPIRITS)

1. Use of physical processes in the preparation and handling of wine grapes, including: sorting; pressing; removing or retaining stems; draining; maceration techniques; partial dehydration or raisining; heating and cooling treatments; and ultrasound treatments.
2. Fermentation using the following substances:
 - (a) active dry yeasts;
 - (b) lactic acid bacteria;
 - (c) ammonium sulphate;
 - (d) diammonium phosphates;
 - (e) thiamine hydrochloride;
 - (f) yeast autolysates;
 - (g) yeast hulls;
 - (h) inactivated yeasts with or without guaranteed glutathione levels; and
 - (i) anti-foaming agents.
3. Deacidification using the following additions or processes:
 - (a) calcium carbonate;
 - (b) potassium carbonate;
 - (c) potassium hydrogen carbonate;
 - (d) potassium tartrate;
 - (e) potassium hydrogen tartrate;
 - (f) calcium tartrate; and
 - (g) use of yeasts and lactic acid bacteria.

4. Acidification using the following substances, provided that initial acidity content is not raised by more than 4,0 grams per litre expressed as tartaric acid:
 - (a) tartaric acid;
 - (b) malic acid; and
 - (c) lactic acid.
5. Addition of sucrose, grape must, concentrated grape must, or rectified concentrated grape must to increase the natural alcoholic strength of grapes, grape must, or wine.
6. Addition of grape must, concentrated grape must, or rectified concentrated grape must for sweetening.
7. Clarification using the following substances:
 - (a) plant proteins;
 - (b) isinglass;
 - (c) egg albumin;
 - (d) gelatine;
 - (e) milk;
 - (f) casein;
 - (g) potassium caseinate;
 - (h) potassium alginate;
 - (i) calcium alginate;
 - (j) cellulose;
 - (k) microcrystalline cellulose;
 - (l) chitosan;
 - (m) chitin glucan;
 - (n) diatomaceous earth (diatomite);
 - (o) kaolin;

- (p) perlite;
 - (q) silicon dioxide;
 - (r) bentonites;
 - (s) polyvinylpyrrolidone, provided that the wine so treated does not contain more than 100 milligrams per litre polyvinylpyrrolidone;
 - (t) yeast protein extracts;
 - (u) enzymes suitable for wine production; and
 - (v) pectinase.
8. Stabilisation and preservation using the following substances:
- (a) addition of sulphur dioxide, sodium, and potassium sulphites, provided that the final total sulphur dioxide content of the treated product on its release to the market for direct human consumption does not exceed 250 milligrams per kilogram for wines containing less than 35 grams per litre residual sugar or 400 milligrams per kilogram for wines containing more than 35 grams per litre residual sugar;
 - (b) lysozyme;
 - (c) sodium carboxymethylcellulose;
 - (d) addition of up to a maximum of 100 mg/L metatartaric acid;
 - (e) addition of up to a maximum of 400 ppm yeast mannoproteins;
 - (f) gum arabic;
 - (g) calcium phytate;
 - (h) PVI/PVP copolymer;
 - (i) potassium polyaspartate, up to a maximum of 0.1g/l;
 - (j) dimethyl dicarbonate, up to a maximum of 200 mg/l;
 - (k) citric acid, provided that the final content in the treated wine does not exceed 1g/l;
 - (l) L-ascorbic acid or erythorbic acid up to a maximum of 300 mg/l;

- (m) sorbic acid or potassium sorbate up to a maximum of 200 mg/l;
 - (n) carrageenan;
 - (o) potassium D,L-tartrate;
 - (p) aspergillopepsin I;
 - (q) copper citrate; and
 - (r) fumaric acid up to a maximum of 2,4 g/l in finished wine.
9. Use of argon, nitrogen, carbon dioxide, or oxygen.
 10. Use of oenological carbon.
 11. Use of urease.
 12. Use of betaglucanase.
 13. Use of selective plant fibres.
 14. Use of hydrogen peroxide up to a maximum of 5 mg/kg.
 15. Use of enzymes suitable for wine production.
 16. Addition of water only where required on account of a specific technical necessity.
 17. Addition of fresh lees.
 18. Addition of tannins, including grape skin extract.
 19. Physical processes used in relation to must and wine:
 - (a) centrifuging;
 - (b) filtration with or without an inert filtering agent;
 - (c) floatation;
 - (d) maceration techniques;
 - (e) desulphiting;
 - (f) cryoconcentration;
 - (g) aeration, oxygenation, bubbling;

- (h) heat treatments;
- (i) cation exchanger treatment;
- (j) electro dialysis treatment;
- (k) physical procedures to interrupt or promote fermentation;
- (l) adsorbent styrene-divinylbenzene beads;
- (m) reverse osmosis;
- (n) ultrafiltration;
- (o) nanofiltration;
- (p) membrane techniques;
- (q) spinning cone;
- (r) settling;
- (s) racking;
- (t) decanting;
- (u) topping up;
- (v) blending;
- (w) coupage;
- (x) filter plates containing zeolites Y-faujasite;
- (y) discontinuous high-pressure processes;
- (z) pulsed electric fields;
- (aa) counter current extraction;
- (bb) fermentation, storage, and ageing of wine in wooden vessels and/or in contact with staves or pieces of oak wood;
- (cc) partial evaporation;
- (dd) cold stabilisation; and

- (ee) continuous high pressure processes.
20. Use of the following for liqueur wine:
- (a) addition of neutral alcohol of agricultural origin for the purpose of fortification; and
 - (b) addition of caramel to reinforce the colour of liqueur wines.
21. Use of the following for sparkling wine:
- (a) sucrose, grape must, grape must in fermentation, concentrated grape must, rectified concentrated grape must and/or wine for tirage or expedition liqueur;
 - (b) wine distillate for tirage liqueur only;
 - (c) secondary fermentation in bottle;
 - (d) secondary fermentation in closed tank; and
 - (e) addition of carbon dioxide to produce carbonated sparkling wine.