

# European Union: Amendment 0

**Wine Act 2003**

**Overseas Market Access Requirements**

Priority: Normal

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## **1 Statutory Authority**

Under section 41(1) of the Wine Act 2003, I notify the following export requirements for wine intended for export to the European Union, entitled "European Union: Amendment 0".

This notice takes effect on 14 December 2009.

Dated at Wellington this 25<sup>th</sup> day of November 2009.

Dr Bill Jolly

Deputy Director (Assurances)

New Zealand Food Safety Authority

(Acting under delegated authority)

## **2 Revocations**

2.1 The Wine (Export to European Union) Notice 2003 is revoked.

2.2 The document entitled "Notification of Market Access Requirements for Grape Wine: European Union Regulations" of 31 July 2003 is revoked.

### ***Explanatory Note***

*The European Union has implemented a new regulatory regime as part of its wine reform.*

# European Union

## Wine: Overseas Market Access Requirements

### Part 0 Prelim

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- <http://www.nzfsa.govt.nz/animalproducts/legislation/>
- <http://www.nzfsa.govt.nz/acvm/legislation/>
- <http://www.nzfsa.govt.nz/dairy/legislation/>
- <http://www.nzfsa.govt.nz/policy-law/legislation/>
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- <http://www.nzfsa.govt.nz/animalproducts/publications/tds/>
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- <http://www.nzfsa.govt.nz/organics/market-access/>
- <http://www.nzfsa.govt.nz/wine/omar/>
- <http://www.nzfsa.govt.nz/wine/export-certification/>

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A copy of this document can be found at:

<http://www.nzfsa.govt.nz/wine/exporting/nz-grape-wine/market-specific-export-requirements/>

## Amendment Record

It is important that this publication is kept up-to-date by the prompt incorporation of amendments.

To update this publication when you receive an amendment, remove and destroy the appropriate outdated pages and replace them with the new pages, or download the consolidated PDF version. Complete instructions will be given on the covering letter accompanying the amendment. File the covering letter at the back of the publication and sign off and date this page.

If you have any queries, please ask the local official assurance verifier or certification officer.

| Amendment No. | Date/Details             | Initials |
|---------------|--------------------------|----------|
| 0             | November 2009 / New OMAR |          |
| 1             |                          |          |
| 2             |                          |          |
| 3             |                          |          |
| 4             |                          |          |
| 5             |                          |          |
| 6             |                          |          |
| 7             |                          |          |
| 8             |                          |          |
| 9             |                          |          |
| 10            |                          |          |
| 11            |                          |          |
| 12            |                          |          |
| 13            |                          |          |
| 14            |                          |          |
| 15            |                          |          |
| 16            |                          |          |

## Table of contents

|               |  |          |
|---------------|--|----------|
| <b>PART 0</b> | <b>PRELIM</b> .....  | <b>1</b> |
| 0.1           | IMPORTANT DISCLAIMER REGARDING ADVICE AND EXPLANATIONS ..... | 1        |
| <b>PART 1</b> | <b>GENERAL</b> .....   | <b>1</b> |
| 1.1           | APPLICATION.....   | 1        |
| 1.2           | INTERPRETATION.....  | 1        |
| 1.3           | ELIGIBILITY.....   | 2        |
| 1.4           | CATEGORIES OF GRAPEVINE PRODUCTS.....                        | 2        |
| 1.5           | OENOLOGICAL PRACTICES.....                                   | 4        |
| 1.6           | GEOGRAPHICAL INDICATION.....                                 | 5        |
| 1.7           | LABELLING .....  | 5        |
| 1.8           | SEPARATION AND IDENTIFICATION OF NON-EU PRODUCT.....         | 6        |
| 1.9           | EXPORT CERTIFICATES.....                                     | 6        |
| 1.10          | LABORATORIES .....   | 7        |
| 1.11          | PERSONAL AND TRADE SAMPLES .....                             | 7        |
| 1.12          | OFFICIAL SUPERVISION.....                                    | 8        |
| <b>PART 2</b> | <b>GEOGRAPHICAL INDICATIONS</b> .....                        | <b>1</b> |
| 2.1           | NEW ZEALAND GEOGRAPHICAL INDICATIONS .....                   | 1        |

## Part 1 General

### 1.1 Application

1.1.1 These requirements apply to the export of wine to the:

- (a) European Union, being Austria, Belgium, Bulgaria, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, Netherlands, Portugal, the Republic of Ireland (Eire), Spain, Sweden, the United Kingdom, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia
- (b) French Departments, being Guadeloupe, French Guiana, Martinique, Mayotte, Réunion, St. Pierre et Miquelon
- (c) Faroe Islands (Denmark)
- (d) Canary Islands (Spain)
- (e) Madeira (Spain)

1.1.2 References in this notice to European Union requirements are deemed to include all the countries in clause 1.1.1 unless otherwise stated.

1.1.3 These requirements are based on European Community legislation. Any additional requirements of Member States are specifically referenced.

1.1.4 Statements contained within a border, other than tables, are provided for guidance only. For example:

|                                 |
|---------------------------------|
| This statement is for guidance. |
|---------------------------------|

### 1.2 Interpretation

1.2.1 In this notice, unless the context otherwise requires:

**actual alcoholic strength by volume** means the number of volumes of pure alcohol contained at a temperature of 20 °C in 100 volumes of the product at that temperature

**authorised person** means a person designated by the Director-General under section 46 of the Act as an authorised person for the purpose of issuing official assurances

**Cuvée** means the grape must, the wine or the mixture of grape musts and/or wines with different characteristics, intended for the preparation of a specific type of sparkling wine

**E-cert** means the electronic programme provided by the Director-General for the production and issue of electronic eligibility documents, eligibility declarations and the issue of electronic or paper export certificates and includes the NZFSA help file in this electronic programme

**expedition liqueur** means the product added to sparkling wines to give them special taste characteristics

**export certificate** is the form of an official assurance determined by the Director-General pursuant to section 42 of the Act

**grape marc** means the residue from the pressing of fresh grapes, whether or not fermented

**grape must** means the liquid product obtained naturally or by physical processes from fresh grapes

**natural alcoholic strength by volume** means the total alcoholic strength by volume of a product before any enrichment

**potential alcoholic strength by volume** means the number of volumes of pure alcohol at a temperature of 20 °C capable of being produced by total fermentation of the sugars contained in 100 volumes of the product at that temperature

**tirage liqueur** means the product added to the cuvee to provoke secondary fermentation

**total alcoholic strength by volume** means the sum of the actual and potential alcoholic strengths

**wine lees** means the residue accumulating in vessels containing wine after fermentation, during storage or after authorised treatment and the residue obtained from filtering or centrifuging this product. It includes the residue accumulating in vessels containing grape must during storage or after authorised treatment, and the residue obtained from filtering or centrifuging this product.

- 1.2.2 Any term or expression that is defined in the Wine Act and used but not defined in this document has the same meaning as in that Act.

### **1.3 Eligibility**

- 1.3.1 Wine intended for export to of the European Union must comply with the New Zealand requirements issued under the Wine Act 2003 plus the requirements of this notice.

### **1.4 Categories of Grapevine products**

- 1.4.1 Grapevine products must not be exported to the European Union unless complying with one of the following categories:

- (a) Wine
- (b) Sparkling wine
- (c) Quality sparkling wine
- (d) Quality aromatic sparkling wine
- (e) Aerated sparkling wine
- (f) Semi-sparkling wine
- (g) Aerated semi-sparkling wine
- (h) Liqueur wine
- (i) Wine from raisined grapes
- (j) Wine from overripe grapes

- 1.4.2 Wine is obtained exclusively from the total or partial alcoholic fermentation of fresh grapes, whether or not crushed, or of grape must. It has:

- (a) an actual alcoholic strength by volume of not less than 8.5% vol and a total alcoholic strength by volume not exceeding 15% vol., or up to 20% for wine produced without any enrichment; and

- (b) a total acidity content expressed as tartaric acid of not less than 3.5 g/l or 46.6 milliequivalents per litre.

The maximum total alcoholic strength is increased from 15% to 20% and the actual alcoholic strength is decreased from 9% to 8.5% to align with the general derogation granted to various Community wine growing areas on the basis that this is appropriate in the environmental conditions for the production of New Zealand wine.

- 1.4.3 Sparkling wine is obtained from the first or second alcoholic fermentation of fresh grapes, grape must or wine.
- (a) It has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20 °C in closed containers. The carbon dioxide released when the container is opened is derived exclusively from fermentation.
- (b) It is prepared with cuvees with a total alcoholic strength of not less than 8.5% vol.
- 1.4.4 Quality sparkling wine is obtained from the first or second alcoholic fermentation of fresh grapes, grape must or wine.
- (a) It has an excess pressure, due to carbon dioxide in solution, of not less than 3.5 bar when kept at a temperature of 20 °C in closed containers. The carbon dioxide released when the container is opened is derived exclusively from fermentation.
- (b) It is prepared with cuvees with a total alcoholic strength of not less than 9% vol.
- 1.4.5 Quality aromatic sparkling wine is quality sparkling wine which is obtained only by making use, when constituting the cuvée, of grape must or grape must in fermentation which are derived from pre-determined grape varieties.
- (a) It has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20 °C in closed containers.
- (b) It has an actual alcoholic strength of not less than 6% vol. and total alcoholic strength of not less than 10% vol.
- 1.4.6 Aerated sparkling wine is obtained from wine.
- (a) It releases, when the container is opened, carbon dioxide wholly or partially from an addition of that gas.
- (b) It has an excess pressure due to carbon dioxide in solution of not less than 3 bar when kept at a temperature of 20 °C in closed containers.
- 1.4.7 Semi-sparkling wine is obtained from wine with a total alcoholic strength of not less than 9% vol.
- (a) It has an actual alcoholic strength of not less than 7% vol.
- (b) It has an excess pressure, due to endogenous carbon dioxide in solution, of not less than 1 bar and not more than 2.5 bar when kept at a temperature of 20 °C in closed containers.
- (c) It is put up in containers of 60 litres or less.
- 1.4.8 Aerated semi-sparkling wine is obtained from wine.
- (a) It has a total alcoholic strength of not less than 9% vol and an actual alcoholic strength of not less than 7% vol



- (b) It has an excess pressure of not less than 1 bar and not more than 2.5 bar when kept at a temperature of 20 °C in closed containers due to carbon dioxide in solution which has been wholly or partially added.
- (c) It is put up in containers of 60 litres or less.
- 1.4.9 Liqueur wine is obtained from grape must in fermentation, wine or a combination of both.
- (a) It has an actual alcoholic strength by volume of not less than 15% vol. and not more than 22% vol. and a total alcoholic strength by volume of not less than 17.5% vol.
- (b) It has an initial alcoholic strength of not less than 12% vol.
- (c) The products below are added, either individually or in combination;
- neutral alcohol of vine origin, including distillation of dried grapes, having an actual alcoholic strength of not less than 96% vol.
  - wine or dried grape distillate with an actual alcoholic strength of not less than 52% vol. and not more than 86% vol.
- together with one or more of the following products, where appropriate:
- concentrated grape must
  - a combination of one of the products in the first two bullet points with a grape must or a grape must in fermentation.
- 1.4.10 Wine from raisined grapes is produced without enrichment, from grapes left in the sun or shade for partial dehydration.
- (a) It has a natural alcoholic strength of at least 16% vol (or 272 grams sugar/litre).
- (b) It has a total alcoholic strength of at least 16 % vol. and an actual alcoholic strength of at least 9% vol.
- 1.4.11 Wine from overripe grapes is produced without enrichment.
- (a) It has a natural alcoholic strength of more than 15% vol.
- (b) It has a total alcoholic strength of no less than 15 % vol. and an actual alcoholic strength of not less than 12% vol.

## 1.5 Oenological Practices

- 1.5.1 Grapevine products exported to the European Union must not be produced with unapproved oenological practices. Approved oenological practices are those authorised by the European Commission or recommended and published by the International Organisation of Vine and Wine (OIV).

The EU-authorized and OIV-recommended oenological practices are reproduced in the New Zealand Winegrowers International Winemaking Practices Guide.

- 1.5.2 The volatile acid content of wine must not exceed 20 milliequivalents per litre except for wines with a total alcoholic strength of at least 13% vol.

The allowable volatile acid content of wines with a total alcoholic strength of at least 13% vol. will be determined by the procedures contained in the Wine (New Zealand Grape Wine Export Eligibility Requirements) Notice 2006.

The EU limit of 18 meq/l for white and rosé wines is increased to 20 meq/l to align with OIV and the derogation available to Member States has been applied.

- 1.5.3 The sulphur dioxide content of wines must not exceed:
- (a) 150 mg/l for red wines containing a maximum of 4 g/l of reducing substances;
  - (b) 200 mg/l for white and rosé wines containing a maximum of 4 g/l of reducing substances;
  - (c) 300 mg/l for red, rosé and white wines containing more than 4 g/L of reducing substances;
  - (d) 400 mg/l exceptionally in certain sweet white wines;
  - (e) 150 mg/l for liqueur wines where the sugar content is less than 5 g/l;
  - (f) 200 mg/l for liqueur wines where the sugar content is not less than 5 g/l;
  - (g) 185 mg/l for all categories of quality sparkling wines;
  - (h) 235 mg/l for other sparkling wines.

The figures in each case reflect the limits permitted by either OIV or the EU.

## 1.6 Geographical Indication

- 1.6.1 The following definition applies to the products described in clause 1.4.1.  
**geographical indication** means an indication identifying a wine as originating in the territory of New Zealand or a region or locality in that territory where a given quality, reputation or other characteristic is essentially attributable to its geographical origin;
- 1.6.2 Geographical indications must not be used to describe wines exported to the European Union unless the geographical indications are included in Part 2 of this notice and the winemaker has records confirming compliance with the conditions applied to the relevant geographical indication.

## 1.7 Labelling

- 1.7.1 Labels on grapevine products must be truthful and not misleading including any label in a foreign language. The interpretation of any statement with English and foreign language versions must be consistent in each language.
- 1.7.2 Operators must not export any grapevine products with labels determined as being false or misleading. Operators must detain the grapevine products until these labels are removed or otherwise rectified.
- 1.7.3 Labels must display in a legible manner the marks, descriptions and other indicators required by this notice.
- 1.7.4 Labels may display for wines bearing a geographical indication the name of another geographical unit that is smaller or larger than the area underlying the designation or origin or geographical indication.

This clause outlines specific requirements for labels. In addition the European Union and some Member States have general label requirements for wine placed on the internal market. The issue of NZFSA export certificates is not dependent on compliance with the general label requirements. It is the responsibility of the operator, in conjunction with the importer, to determine and comply with the general requirements for labels. Despite this, labels applied by the operator are subject to the truth of labelling and translation requirements of this clause.

The Community's general requirements for labels include Directives 2000/13/EC and 2007/45/EC of the European Parliament and of the Council and may be obtained from the European Union web site at [www.europa.eu](http://www.europa.eu)

Failure to comply with these general requirements may lead to refusal of the consignment at the European border.

## 1.8 Separation and Identification of Non-EU Product

- 1.8.1 Operators must ensure the physical separation of EU-eligible grapevine products from grapevine products ineligible for the European Union. Operators must have procedures and methods to distinguish ineligible grapevine products from EU-eligible grapevine products. Where any alleged EU-eligible grapevine products are indistinguishable from ineligible grapevine products then the former are deemed to be ineligible and must be dealt with accordingly.

Most products are likely to be eligible for the European Union despite not being intended for export to that market. This clause is effective at the point where an irreversible event occurs such as wine being produced by an unapproved oenological practice or substances found to be over the EU limits by laboratory analysis at the time of export.

Winemaking records may be sufficient to ensure separation during the production cycle but additional means, particularly visual, should be used when the risks of mixing ineligible and eligible products are higher. Packaged products should be separated at least by pallet.

## 1.9 Export Certificates

- 1.9.1 Consignments of wine must be accompanied by an export certificate. The export certificate is in two parts; one certifying compliance with the requirement of this notice and the other certifying the analytical status in respect of the:
- (a) total alcoholic strength by volume;
  - (b) actual alcoholic strength by volume;
  - (c) total dry extract;
  - (d) total acidity;
  - (e) volatile acid content;
  - (f) citric acid content;
  - (g) total sulphur dioxide content.
- 1.9.2 The analysis report is not required when the product is not intended for human consumption.
- 1.9.3 The full name and address of the consignee in the European Union must be included. The words 'To order' in lieu of the consignee details must not be used.
- 1.9.4 Exporters may include a geographical indication in the product description (box 6) of the V I 1 certificate where the geographical indication is also shown on the labels of the wine in the consignment.
- 1.9.5 The following remark must be added to the 'other remarks' box of the export certificate in the case of liqueur wines and wines fortified for distillation, "The alcohol added to this wine is certified as being wine alcohol". The entry must include the full name and address of the issuing agency and be countersigned and stamped by the authorised person.
- 1.9.6 The exporter must declare on the application for an export certificate that oenological practices other than those permitted by this notice have not been used in producing the wine contained in the consignment, that NZ geographical indications optionally

included in the product description of the V I 1 certificate comply with Part 2 of this notice.

- 1.9.7 Export certificates must not be issued for wine which does not comply with the requirements of this notice.

## 1.10 Laboratories

- 1.10.1 Laboratories carrying out the analysis required by clause 1.9.1 must be recognised by NZFSA and notified to the European Commission.

- 1.10.2 The recognised laboratories are:

- Hill Laboratories Ltd Hamilton
- ASUREQuality Ltd Lynfield
- Cawthron Institute Nelson
- New Zealand Laboratory Services Ltd Auckland
- Pernod-Ricard New Zealand Auckland

## 1.11 Personal and Trade Samples

- 1.11.1 An export certificate is not required for:

- (a) Products originating in and coming from New Zealand in labelled containers of not more than five litres fitted with a non-reusable closing device and where the total quantity transported, whether or not made up of separate consignments, does not exceed 100 litres;
- (b) Wine, grape must and grape juice not exceeding 30 litres pre traveller as part of personal luggage or wine sent from one private individual to another;
- (c) Wine and grape juice for trade fairs provided that the products are put up in labelled containers of not more than two litres fitted with a non-reusable closing device;
- (d) Quantities of wine, grape must and grape juice imported for the purpose of scientific and technical experiments subject to a maximum of 100 litres;
- (e) Wine and grape juice forming part of the personal property of private individuals transferring their normal place of residence from New Zealand to the European Union;
- (f) Wine and grape juice for diplomatic, consular or similar establishments imported as part of their duty-free allowance;
- (g) Wine and grape juice held on board international transport as catering supplies.

Subparagraph (a) is mutually exclusive of the rest.

### Rapid Alerts

The European Union carries out identity checks and physical examinations on products arriving at the border. A standardised response is in place for consignments considered to be in breach of European Union legislation. The causes of these breaches are typically microbiological or chemical contaminants.

The Member State notifies the European Commission of the details and all other Member States are advised via a rapid alert notification. The next 10 consignments from the processing premises in question will be subjected to increased scrutiny at the border.

The New Zealand experience is that these adverse detections are usually a one-off event. In some cases, sampling errors have caused the detection.

## **1.12 Official Supervision**

- 1.12.1 All requirements in this notice other than those applying to NZFSA activities are subject to random verification by a recognised verifier.

## Part 2 Geographical Indications

### 2.1 New Zealand Geographical Indications

2.1.1 For the purposes of clause 1.6.2 the geographical indications approved in New Zealand are specified in Table 2A:

**Table 2A New Zealand Geographical Indications**

| <b>Geographical Indication</b>  | <b>Defined Area</b>  |
|---|--|
| <b>NEW ZEALAND</b>  | The country of New Zealand.  |
| <b>EAST COAST</b>   | Northland Region, Auckland Region, Bay of Plenty Region, Coromandel District, Hauraki District, Gisborne Region, Hawkes Bay Region, Masterton District, Carterton District, South Wairarapa District, Marlborough District, Canterbury Region. |
| <b>NORTH ISLAND</b>   | The North Island of New Zealand.   |
| <b>Northland</b>  | Northland Region   |
| <b>Auckland</b>   | Auckland Region  |
| <b>Clevedon</b>   | Winegrowing area in Auckland Region  |
| <b>Western Auckland (comprising Henderson, Huapai, Kumeu, Waimauku)<sup>i</sup></b> | Winegrowing area in Auckland Region  |
| <b>Matakana</b>   | Winegrowing area in Auckland Region  |
| <b>Waiheke Island</b>   | Waiheke Island   |
| <b>Waikato</b>  | Waikato Region   |
| <b>Coromandel Peninsula</b>   | Thames-Coromandel District   |
| <b>Lake Taupo</b>   | Taupo District   |
| <b>Te Kauwhata</b>  | Winegrowing area in Waikato Region   |
| <b>Bay of Plenty</b>  | Bay of Plenty Region   |
| <b>Gisborne</b>   | Gisborne Region  |
| <b>Hawke's Bay</b>  | Hawke's Bay Region   |
| <b>Central Hawke's Bay</b>  | Central Hawke's Bay District   |
| <b>Wairarapa</b>  | Carterton, Masterton and South Wairarapa Districts   |
| <b>Gladstone</b>  | Winegrowing area In Carterton District   |
| <b>Martinborough</b>  | Winegrowing area in Martinborough Ward   |
| <b>Wellington</b>   | Greater Wellington Region  |
| <b>SOUTH ISLAND</b>   | The South Island of New Zealand  |
| <b>Marlborough</b>  | Marlborough and Kaikoura Districts   |
| <b>Nelson</b>   | Nelson and Tasman Districts  |
| <b>Canterbury</b>   | Canterbury Region  |

| <b>Geographical Indication</b> | <b>Defined Area</b>                                |
|--------------------------------|--|
| <b>North Canterbury</b>        | Waimakariri and Hurunui Districts                  |
| <b>Waipara Valley</b>          | Winegrowing area in Hurunui District <sup>ii</sup> |
| <b>Waitaki Valley</b>          | Winegrowing area in Waitaki and Waimate Districts  |
| <b>Central Otago</b>           | Central Otago and Queenstown Lakes Districts       |

- 2.1.2 For wines bearing a geographical indication, at least 85% of the grapes from which the wine is produced must be derived from the stated geographical indication. The remaining 15% must be of New Zealand origin. Such wines must display the quality, reputation or other characteristics attributable to their origin.
- 2.1.3 Exporters may apply the names of smaller or larger geographical units alongside approved NZ geographical indications on labels. These names must be well defined and consist of:
- (a) A locality or group of localities;
  - (b) A local administrative area or part thereof;
  - (c) A wine-growing sub-region or part thereof; or
  - (d) An administrative area.
- 2.1.4 Where the name of a smaller geographical unit is applied to the label, at least 85% of the grapes from which the wine has been produced must originate in that smaller geographical unit. The remaining 15% must be derived from the stated geographical indication.

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<sup>i</sup> Each of these names may be used individually instead of “Western Auckland” where appropriate.

<sup>ii</sup> “Waipara” may be used as an alternative to “Waipara Valley”.