



New Zealand Grape Wine Export Code

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Explanatory Note

This Code outlines the procedures and processes for meeting the Export Eligibility Requirements for the export of New Zealand grape wine.

Signed at Wellington this 30th day of June 2006

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Table of Contents

1	Executive Summary.....	4
2	Introduction.....	5
	2.1 Glossary	6
	2.2 Forms and Other Supporting Materials	8
3	Information for Wine Makers/Exporters	9
	3.1 Wine Makers'/Exporters' Duties	9
	3.2 Export Eligibility Requirements.....	10
	3.3 Export Eligibility Exemptions	11
	3.4 Step 1 – Record Keeping	11
	3.5 Step 2 – Export approval.....	12
	3.6 Sensory Evaluation.....	14
	3.7 Laboratory Analysis (wines for export to EU only)	15
	3.8 Step 3 – Export Documentation	16
4	Information for Auditors	18
	4.1 Introduction.....	18
	4.2 Auditor Qualifications	18
	4.3 Purpose of audit	18
	4.4 Scope of Audit	19
	4.5 Audit Procedures.....	19
	4.6 Outcome of audit	20
5	Information for Sensory Evaluators	21
	5.1 Introduction.....	21
	5.2 Appointment of sensory evaluators.....	21
	5.3 Undertaking sensory evaluation	21
	5.4 Review process for wine not determined to be free from obvious fault.....	22
	5.5 Outcome of the review	23

1 Executive Summary

The Wine (New Zealand Grape Wine Export Eligibility Requirements) Notice 2006 came into force on 1 July 2006 and represents an important step in the implementation of the New Zealand Wine Act 2003 (the Act). The purpose of the New Zealand Grape Wine Export Code is to provide detailed supporting information to exporters, auditors and sensory evaluators to assist with the implementation of the Notice. It draws upon a number of existing procedures with which wine makers will already be familiar.

All New Zealand grape wine will need to demonstrate that it meets export eligibility requirements, and be issued with an Export Eligibility Statement before it can be exported from New Zealand. The export eligibility statement confirms that the wine:

- is free from obvious fault as determined by a panel of NZFSA authorised sensory evaluators; and
- has a related set of audited wine making records that enable traceability and accuracy of label statements to be determined.

This Code sets out in detail the implications and duties for wine makers/exporters, for auditors and for sensory evaluators to help ensure that export eligibility requirements are met.

Section 3: Information for Wine Makers/Exporters details the legal requirements of exporters as specified under the Wine Act 2003, and describes a three step process for attaining export eligibility. This includes the documentation and auditing of wine making records, submission of wine for sensory evaluation, and application for export eligibility approval.

A significant change for wine export certification which came into effect on 1 July 2006, is that wine that is not destined for a European Union Member State no longer needs to undergo laboratory analysis. However, wine that is destined for the European Union needs, in addition to meeting the export eligibility requirements, to undergo laboratory analysis in order to be issued with a VI-1 certificate that is required by EU markets. The European Union is currently the only market that has these specific laboratory analysis requirements.

Section 4: Information for Auditors details the purpose, scope and procedures for auditing wine making records. It also lays out the requirements for auditor qualifications.

Section 5: Information for Sensory Evaluators describes the procedures that must be followed in the conduct of a sensory evaluation and outlines the review process that can be undertaken if a wine is not shown to be free from obvious fault. All grape wine exported from New Zealand must be free from obvious fault as determined by a panel of sensory evaluators.

2 Introduction

This Code outlines the legal requirements and processes that all New Zealand grape wine must go through before it can be exported. For a New Zealand grape wine to be eligible for export, it must meet the requirements of the New Zealand Wine Act 2003, which include that it be free from obvious fault and that it must have come from a winery that has a fully traceable record keeping system that has been audited. The processes that allow an exporter to meet these requirements are administered by the New Zealand Food Safety Authority, and carried out under contract by the Wine Export Certification Service.

The Wine Act 2003 (the Act) sets New Zealand's legal framework for the making and export of wine. One of the objectives of the Act is to safeguard the reputation of New Zealand wine in overseas markets. It provides for this by establishing prerequisites for export (section 37) and enabling the setting of export eligibility requirements.

Section 37 requires that wine exported from New Zealand must either be the subject of export eligibility requirements or, in the case of wine to which such requirements do not apply, the exporter must be registered under the Act. The export eligibility requirements for New Zealand grape wine are found in the Wine (New Zealand Grape Wine Export Eligibility Requirements) Notice 2006 (the Export Eligibility Notice).

The Code is split into sections that are relevant to different parties to whom the Notice applies:

- Wine makers/exporters (persons who make wine that is exported and persons who export wine);
- Auditors (persons who audit wine makers' records);
- Sensory evaluators (persons who undertake the 'free from obvious fault' test).

Export eligibility requirements are those requirements that a wine must meet before it can be exported from New Zealand. In addition, some countries have specific requirements that must be met before wine can enter that particular market; these are called overseas market access requirements (OMARs). Currently, the only example of an OMAR is that wine entering the EU is subject to the Notification of Market Access Grape Wine: European Regulations Notice. This means that it must undergo nine analytical tests and be accompanied by a VI-1 certificate. Overseas market access requirements (OMARs) are additional to export eligibility requirements and are not included in the Export Eligibility Notice. They are notified individually.

While market access requirements are separate from export eligibility requirements, the reality is that wines going to the EU are likely to be submitted for export eligibility approval and EU market access

approval at the same time. For this reason, this Code includes information on submitting wines for EU market access approval.

The administration of the export eligibility requirements system is the responsibility of the New Zealand Food Safety Authority (NZFSA). The NZFSA has contracted the day-to-day operation of the system to the Wine Export Certification Service, based in Auckland. If you have any queries regarding export eligibility requirements, this Code or other export-related matters, please contact:

Kay Shapland
Assistant Director
Plant Products & Processed Food
Export Standards Group
NZFSA
PO Box 2835
Wellington

Phone: 04 463 2655
Fax: 04 463 2675
Email: kay.shapland@nzfsa.govt.nz

Sue Church
Wine Export Certification Service
c/- New Zealand Winegrowers
PO Box 92-276
Auckland Mail Centre
Auckland

Phone: 09 306 5552
Fax: 09 302 2969
Email: sue@winz.org.nz

2.1 Glossary

In this Code, the following meanings are adopted:

Export eligibility approval is given to batches of wine that meet the export eligibility requirements imposed by the Wine Regulations 2006 and the Wine (New Zealand Grape Wine Export Eligibility Requirements) Notice 2006

Export eligibility requirements are those requirements imposed on exports of any class, kind, or description of wine by regulations made under section 38 of the Wine Act 2003.

An **Export eligibility statement** is a confirmation to New Zealand Customs that the consignment of wine has met New Zealand export eligibility requirements.

An **exporter** is a person who exports any wine from New Zealand for reward or for purposes of trade. This includes the New Zealand agent or representative of that exporter.

Grape wine is the product of the complete or partial fermentation of fresh grapes, or a mixture of that product and products derived solely from grapes.

A **label** is any tag, brand, mark, or statement in writing or any representation or design or descriptive matter on or attached to or used in connection with or accompanying any wine.

NZFSA means the New Zealand Food Safety Authority.

Sell has the same meaning as trade.

Trade means to sell for consumption or use, and includes:

- a. Selling for resale (including as a constituent part of another product) for consumption or use;
- b. Offering or attempting to sell, or receiving for sale, or having in possession or exposing for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or exposed for sale;
- c. Barter;
- d. Supplying a product under contract, together with goods or services or both, in consideration of an exclusive charge for the product and the other goods or services;
- e. Offering as a public prize or reward, or giving away for the purpose of advertisement or in furtherance of any trade or business;
- f. Every other method of disposition for valuable consideration.

A **VI-1 certificate** is an official assurance, required by the European Commission, that NZ wine imported into the European Union has passed a number of specific laboratory analyses.

WECS means the Wine Export Certification Service.

A **wine maker** is a person who, for reward (otherwise than as an employee) or for purposes of trade, makes wine.

2.2 Forms and Other Supporting Materials

Please note that the Record Keeping Code of Practice and the various forms referred to in this document can be obtained from WECS or NZFSA as indicated in the table below. Please see section 2 (above) for contact details.

Document or form	Available from
Application for Export Eligibility Approval (batch)	WECS
Request for Export Eligibility Statement/VI-1 Certification (consignment)	WECS
Tank Sample Verification Form	WECS
Application for Review	WECS
Record Keeping Code of Practice	WECS
Confirmation of Auditor Qualifications	NZFSA
Nomination of Sensory Evaluator	NZFSA

3 Information for Wine Makers/Exporters

3.1 Wine Makers'/Exporters' Duties

Section 40 of the Wine Act 2003 imposes duties on wine exporters. These duties are summarised below:

- a. A wine exporter must not contravene any relevant requirement of the Wine Act 2003.
- b. Only wine that meets any relevant standards and specifications and any relevant overseas market access requirements that have been notified or made available by the NZFSA may be exported.
- c. A wine exporter must notify NZFSA as soon as possible, and not later than 24 hours after an event or first knowledge of the event, of any case where wine exported by the exporter:
 - i. is not fit, or is no longer fit, for its intended purpose; or
 - ii. is refused entry by the foreign government concerned; or
 - iii. does not meet or no longer meets the relevant overseas market access requirements as notified or made available by NZFSA; or
 - iv. does not have, or no longer has, the required official assurances.

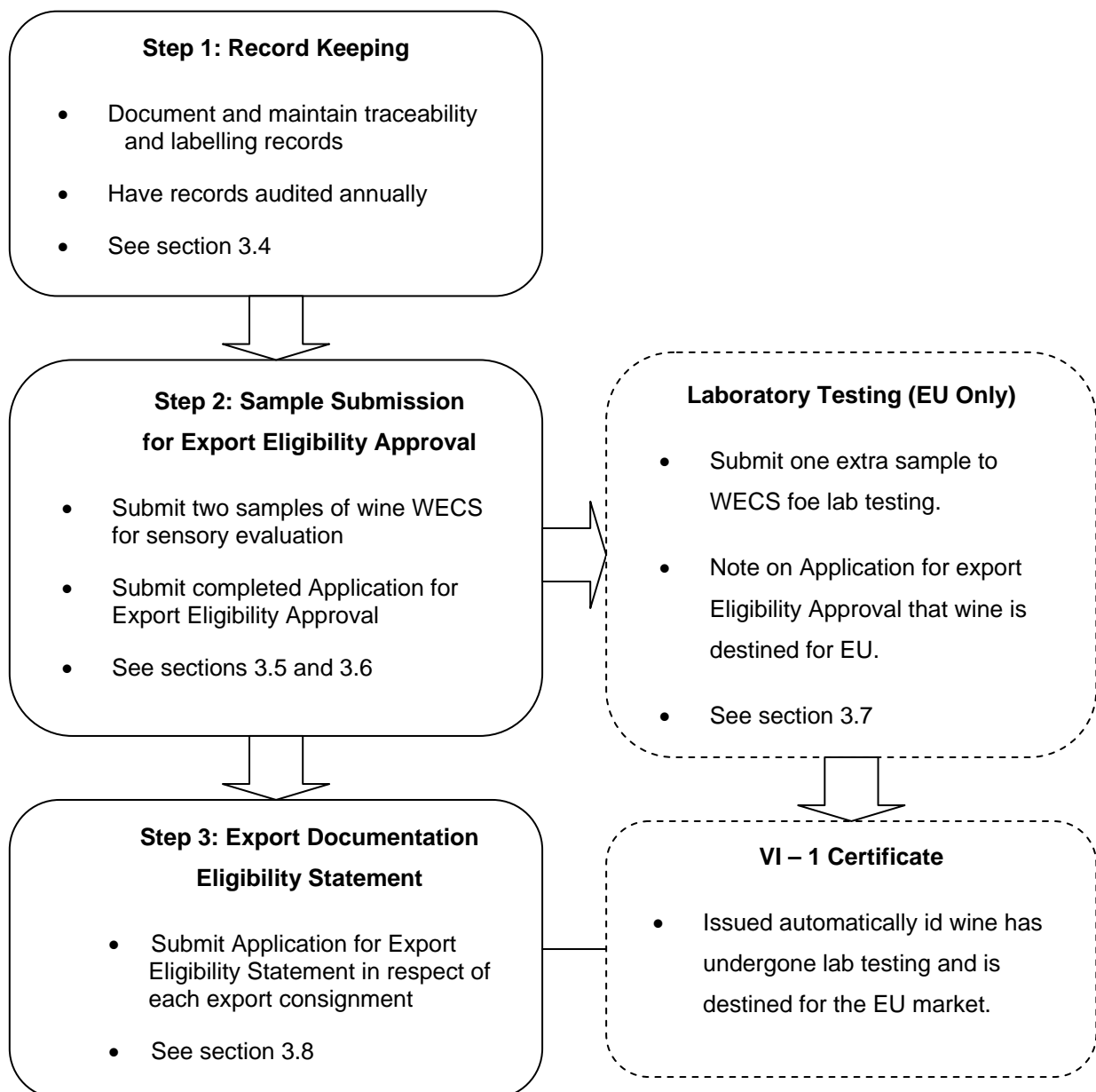
At the same time, the exporter must also notify NZFSA of what actions (if any) have been taken in respect of that event.

- d. Wine makers must maintain procedures and processes to demonstrate that the record-keeping requirements in relation to the provenance and processing of the wine exported by the exporter are being complied with; and
- e. Wine makers must ensure that they only export wine that has been shown to comply with the relevant export eligibility requirements.

3.2 Export Eligibility Requirements

To be eligible for export from New Zealand, all New Zealand grape wine must receive export eligibility approval. A consignment of wine may be approved as eligible for export if the Director-General or his or her nominee is satisfied that the wine is free from obvious fault and has a related set of audited winemaking records that enables traceability and accuracy of label statements to be determined. Each batch of wine that has been approved as eligible for export must obtain an export eligibility statement.

Figure 1: Step by step guide to the export eligibility application process



3.3 Export Eligibility Exemptions

Wine that is not intended for sale or trade purposes is not subject to export eligibility requirements. This means that wines intended for personal consumption, research purposes, personal cellars and the like do not need to go through the export eligibility process. Additionally, commercial samples up to 110 litres are exempt from the export eligibility requirements. However it is important to note that some export markets, including the EU, have their own limits for the entry of wines for these purposes which apply regardless of the New Zealand limits.

Exporters should contact the WECS to determine whether they meet the criteria for an export eligibility exemption.

3.4 Step 1 – Record Keeping

The first step in the export eligibility system is to have a record keeping system in place for traceability and labelling, and to have your record keeping system audited by an NZFSA authorised auditor.

The Export Eligibility Notice requires wine makers who make New Zealand grape wine for export to document and maintain records that enable:

- a. grapes used to make that wine to be tracked from vineyard of origin through to sale of wine; and
- b. wine in a particular package to be tracked back to the source vineyards of the grapes from which that wine was made; and
- c. all other winemaking inputs to be identified; and
- d. the truthfulness and accuracy of any label statements regarding wine variety, vintage, area of origin, and country of origin to be determined; and
- e. where relevant, compliance with applicable labelling requirements under the [New Zealand \(Australia New Zealand Food Standards Code\) Food Standards 2002](#) to be demonstrated.

These records should provide auditable trails for wine and grapes and other wine making inputs that are based on product coding, and enable wines that are submitted for export eligibility approval to be separately and clearly identified.

New Zealand Winegrowers have produced a Record Keeping Code of Practice which provides guidance on how to meet export eligibility requirements.

3.4.1 Auditing the record keeping system

Wine makers must have their record keeping system audited at least once every 12 months by a person on NZFSA's list of wine auditors. Copies of the audit report must be provided to the Wine Export Certification Service (WECS). No wines may be exported unless a current record keeping audit is in place and entered into the export eligibility database.

NZFSA may require audits to be carried out more frequently, if:

- a. NZFSA has cause for concern that any requirements of the Act, the Wine Regulations 2006, or the Wine (New Zealand Grape Wine Export Eligibility) Notice 2006 have not been complied with; or
- b. an audit report records a non-compliance.

3.5 Step 2 – Export approval

The second step in the export eligibility system is to submit samples of wine to the Wine Export Certification Service for export approval.

3.5.1 Applying for export approval

All New Zealand grape wine must be approved as eligible for export by undergoing sensory analysis, in addition to the record keeping audit.

Two samples from a homogeneous batch of finished wine must be submitted to WECS in sealed containers that are intended for export at the following address:

Wine Export Certification Service
c/- New Zealand Winegrowers
Level 2, 52 Symonds Street
Auckland.

The samples must be accompanied by a completed Application for Export Eligibility Approval. You should also email a copy of the completed application to WECS (sue@winz.org.nz) so that you can be contacted if the wine does not arrive.

One of these samples will be used for sensory evaluation and the second will be used as a back up sample or for other purposes, including the random sampling programme. The sensory evaluation process generally takes up to 10 working days from the date of receipt of the wine. Wine makers/exporters should bear in mind that clearing your shipment through Customs will also take at

least 5 working days, so we recommend that samples of wine be submitted to WECS at least three weeks before the date of export.

If wine is intended for export to the European Union, then an extra sample should be sent to WECS and this should be noted on the application form that accompanies the samples.

Once a wine has successfully passed the sensory evaluation, it will be approved as eligible for export, subject to a valid record keeping audit being received. The wine maker/exporter will be notified of this by WECS.

Export eligibility approval lasts for two years from the date of application to WECS. Approval may be withdrawn at any time before that if NZFSA has reason to believe that the wine to which it relates does not comply with the requirements in the Wine Export Eligibility Notice. Wine makers/exporters will be notified one month before the expiry of any export eligibility approval.

3.5.2 Presentation of samples

Each sample should be at least 375mls. In the case of 200ml bottles, three samples should be submitted or, if destined for the EU, 6 x 200ml bottles should be submitted.

The samples must be taken from and representative of the homogeneous batch of finished wine for which export eligibility is sought.

Each sample of wine submitted must be identified with the exporter or brand name, the name of the wine (e.g. Sue's Pinot Gris 2006), the alcohol content, and an indication of whether the wine is intended for export as bulk or packaged wine. This can either be on the final label or on a temporary sticker.

3.5.3 Sample Criteria

Exporters may only seek export eligibility approval for a homogeneous amount of finished wine – i.e. that is packaged for retail sale, ready to be packaged for retail sale, or that is ready to be exported, without any further winemaking adjustments. The wine submitted should be intended for export.

Tanks of wine that are treated or adjusted separately, even if they contain the same basic components or “blend”, will be considered to be different wines for the purpose of export eligibility approval.

If a single lot of wine is bottled over a number of different runs, and undergoes separate winemaking adjustments (other than the permitted sulphur adjustments below) before each run, then each bottling run will be considered a different wine for the purposes of export eligibility.

3.5.4 Sulphur adjustments

Where a single lot of wine bottled over different runs undergoes adjustments to ensure that the 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:

- the sample submitted for export eligibility is finished wine, including the final level of total sulphur dioxide for the finished product; and
- 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 export approval; and
- 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 applicable specified in a notified Overseas Market Access Requirement (OMAR).

3.5.5 Tank samples

In order for a tank sample to be accepted, the wine must be packaged within 10 working days of submission to WECS and must not be subject to any further winemaking additions, adjustments or alterations before packaging. The exporter must submit Tank Sample Verification Form to WECS and retain one copy for their records. Auditors will be required to check whether wines have been submitted to WECS before bottling and, if so, to ensure that these conditions have been met.

3.5.6 Bulk wine shipments

- Bulk wine must be ready for export without any further winemaking adjustments in New Zealand.
- Samples must be presented in identical glass bottles of at least 375 ml each. The second sample is retained for reference purposes and may be used in the random sampling programme.

3.6 Sensory Evaluation

To be eligible for export, New Zealand grape wine must be determined to be free from obvious fault by a panel of approved sensory evaluators.

“Obvious fault” is defined as “oxidised, malodorous or tainted by extraneous flavours”.

Oxidised: the wine shows oxidation related faults includes colour, taste and/or aroma faults.

Tainted by extraneous flavours: the wine is tainted by extraneous flavours derived from constituents foreign to wine making best practice.

Malodorous: the wine shows one of the following:

- a. mouldiness;
- b. mousiness;
- c. excessive sulphide characteristics;
- d. volatile acidity identified by the sensory evaluation panel as effecting the organoleptic acceptability of the wine;
- e. free sulphur dioxide, where the SO₂ is below the legal limit, but is identified by the tasting panel as affecting the organoleptic acceptability of the wine;
- f. microbiological contamination.

3.6.1 The sensory evaluation process

The sensory evaluation is conducted by a panel of three persons authorised by NZFSA, in accordance with the procedures set out in Section 5.3. If a wine is assessed by all members of the panel as being free from obvious fault, this is recorded in the export eligibility database and notification is sent to the exporter.

If the panel does not unanimously agree that the wine is free from obvious fault, the second sample is automatically submitted to another panel at the next practicable evaluation, where it undergoes another sensory evaluation.

Where a wine is determined by two sensory evaluation panels as showing obvious fault, then the applicant seeking export eligibility approval has a right to apply for a review of that decision. The right of review can be exercised by sending the Application for Review Form to WECS within 28 days of notification of the result of the assessment, along with three additional samples of the wine in question. The review process is outlined in section 5.4.

3.7 Laboratory Analysis (wines for export to EU only)

If an export wine is destined for an EU member state, then one extra sample should be forwarded to the WECS with the original submission. This sample will be forwarded to the Institute of Environmental Science and Research (ESR) for analysis. This analysis supports the issue of VI-1 certificates which

are required by the European Commission (EC) to accompany all wines imported into the EU from New Zealand. VI-1 certificates are issued by WECS on behalf of NZFSA. The tests required are:

- 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.

The results of the ESR analyses will be made available to wine makers/exporters. WECS will also notify the wine maker/exporter if the analyses fall outside EU regulatory parameters. However, it is the wine maker/exporter's responsibility to ensure that the wine shipped from New Zealand meets EU requirements in terms of composition and labelling.

3.8 Step 3 – Export Documentation

The third step is to apply to WECS for the export documentation which confirms to New Zealand Customs that the wine is approved as eligible for export and, where relevant, conforms with overseas market access requirements.

3.8.1 Requesting an export eligibility statement

An export eligibility statement is the document that confirms to New Zealand Customs that each wine in a consignment has been approved as eligible for export. This statement replaces the Certificate of Compliance that used to be issued by the WECS.

When a consignment of wine is ready for export, a completed Application for Export Eligibility Statement should be submitted to WECS.

WECS will check that:

- a. the wine maker has had a successful record keeping audit within the last 12 months;

- b. the wine has passed sensory evaluation.

This information is stored in the export eligibility database. If these requirements have been met, WECS will issue an export eligibility statement and a unique customs permit number in respect of the consignment.

NZFSA may revoke an export eligibility statement if it has reason to believe that the wine to which it relates does not comply with the requirements of the Wine Export Eligibility Notice.

3.8.2 Issuing a VI-1 Certificate (wines exported to the EU only)

If a wine is to be exported to the European Union (EU), it must also be accompanied by a VI-1 Certificate. Where the Application for Export Eligibility Statement indicates that a wine is destined for an EU member state, VI-1 certification will also be issued provided that the wine has a current laboratory analysis and the results show that the wine meets the EU requirements.

It is important to note that VI-1 certificates for the EU are only valid for one year.

As with export eligibility statements, NZFSA may revoke a VI-1 certificate if it has reason to believe that the wine to which it relates does not comply with the requirements of the Wine Export Eligibility Notice or the Overseas Market Access Requirements for the EU Notice, 2003.

4 Information for Auditors

4.1 Introduction

To be eligible for export, all New Zealand grape wine must:

- a. have been determined to be free from obvious fault; and
- b. have a related set of audited winemaking records that enable:
 - i. traceability; and
 - ii. the accuracy of label statements to be determined.

In order to meet the requirements in 4.1 (b), wine makers must ensure that they have a current successful audit of their winemaking record keeping system.

4.2 Auditor Qualifications

Any person who wishes to act as an auditor for the purposes of the Wine Export Eligibility Notice must:

- a. be either
 - i. qualified as an auditor in terms of section 199 of the Companies Act 1993 ('Qualification of Auditors'); or
 - ii. accredited to relevant ISO Standards; and
- b. provide to NZFSA a statement in the Confirmation of Auditor Qualifications Form that affirms that the auditor understands the requirements of this Notice and the NZ Grape Wine Export Code; and
- c. have received advice from the NZFSA of their acceptance onto the recognised auditors list

This process needs to be completed once every three years by each auditor.

4.3 Purpose of audit

The purpose of record keeping audits is to determine whether the records kept by the wine maker and/or exporter meet the requirements set out in Part 4 of the Wine Export Eligibility Notice.

4.4 Scope of Audit

The record keeping audit is intended to ensure that fully traceable records are kept and that regulated information on wine labels is accurate.

All wines produced or held by a winery at the time of the audit may be subject to the audit, rather than simply wines of a single vintage. (Note that auditors are not required to audit every individual wine and may use appropriate sampling methodologies.)

4.4.1 Label compliance

Auditors are required to audit wines already labelled for the domestic market for compliance against the relevant standards contained in the [New Zealand \(Australia New Zealand Food Standards Code\) Food Standards 2002](#), the Wine Act 2003 and the regulations and notices made pursuant to those Acts. In general, these requirements address the following:

- a. name of food;
- b. lot identification;
- c. name and address of supplier;
- d. alcohol declaration and standard drinks;
- e. allergen and sulphite declaration;
- f. country of origin;
- g. grape variety, vintage and origin.

Auditors are not required to audit any other label claims.

4.5 Audit Procedures

In undertaking any record keeping audit for the purpose of export eligibility, the auditor must follow the procedures below:

- a. the auditor will, prior to commencing an audit, be fully conversant with the relevant sections of this Code, the Wine Act 2003, the Wine Regulations 2006, the Wine (New Zealand Grape Wine Export Eligibility Requirements) Notice 2006 and the New Zealand (Australia New Zealand Food Standards Code) Food Standards 2002;

- b. if the auditor is uncertain about any provision in this Code, this should be clarified with WECS or NZFSA prior to the commencement of an audit;
- c. the auditor must not engage in any activities that conflict with his/her independence of judgement and integrity in relation to the audit activities;
- d. the auditor must be free from any commercial, financial and other pressures that might affect his/her judgement. Procedures and practices shall ensure that persons or organisations, external to the auditor, do not influence the results of audits carried out;
- e. the auditor will comply with any reasonable direction that NZFSA may make;
- f. the auditor will ensure that adequate indemnity cover is maintained for any contracts entered into;
- g. NZFSA may undertake its own audits from time to time to ensure that record keeping audits are conducted in accordance the requirements above.

4.6 Outcome of audit

If the audit of the wine maker's records is successful, the audit report must contain an unqualified statement confirming:

- a. that the wine maker's record keeping system addresses all the matters set down in Section 3.4 and 3.5.2 of this Code; and
- b. that the records truly reflect the activities of the wine maker as they relate to the matters set down in Section 3.4 and 3.5.2 of this Code; and
- c. that the records show that wine, as packaged for retail, is consistent with any regulated labelling claims attached to the retail containers. This is only concerned with labelled packaged wine, rather than bulk wines.

The auditor must forward the completed audit to WECS within 10 working days of completion, and provide a copy of the report to NZFSA.

5 Information for Sensory Evaluators

5.1 Introduction

To be eligible for export, New Zealand grape wine must be determined to be free from obvious fault. This determination is made through sensory evaluation conducted by a panel of persons authorised by the NZFSA.

5.2 Appointment of sensory evaluators

NZFSA will authorise persons to undertake the sensory evaluation of export wine (sensory evaluators). In order to be authorised as a sensory evaluator, a person must:

- a. have sufficient experience in the sensory evaluation of wine to enable them to detect obvious fault in a wine (minimum of two years);
- b. have knowledge of the export eligibility requirements and any procedures relevant to the “free from obvious fault” assessment (refer in particular to 4.7.1, definition for obvious fault);
- c. be nominated by a member of the Wine Institute of New Zealand who is able to confirm the above qualifications, using the Nomination of Sensory Evaluator form.
- d. Have received advice from NZFSA that they have been authorised to undertake sensory evaluation for the purposes of wine export eligibility.

5.3 Undertaking sensory evaluation

Sensory evaluation is conducted by a panel of three NZFSA authorised sensory evaluators supervised by a representative from WECS

The sensory evaluation is conducted in accordance with the following process:

- a. wines for evaluation will be opened and poured in an area separate from the area in which the evaluation is conducted in order to ensure that evaluators are unaware of the identity of any wine served to them;
- b. wine will be served “blind” to the evaluation panel. The only information provided to the panel will be the variety or style of the wine and the vintage of the wine;

- c. evaluators should assess the wines independent of other members of the panel. They may discuss the wine following the individual assessment to reach a consensus of opinion;
- d. the results of the panel will be recorded by the person supervising the sensory evaluation. Any wine that is determined to be free from obvious fault shall have its brand name and other details, including the unique identifier number, recorded on the export eligibility database;
- e. where a wine is not determined to be free from obvious fault, it shall automatically be resubmitted to the next available panel. Such resubmission shall be on the same basis as above.

Remnant bottles of wines shall be returned to the WECS, or disposed of in accordance with the New Zealand Winegrowers wine policy.

5.4 Review process for wine not determined to be free from obvious fault

Where a wine is determined, by two sensory evaluation panels, as not being free from obvious fault, then the applicant seeking export eligibility approval has a right to apply to WECS for a review of that decision. The right of review can be exercised by sending the Application for Review Form to WECS within 28 days of notification of the result of the assessment, along with three additional samples of the wine in question to WECS. The review will follow the process outlined below:

- a. the review will be conducted by three NZFSA authorised sensory evaluators chosen by WECS on the basis that they are independent of the first two evaluation panels and of the person whose wine is being reviewed (the review panel);
- b. WECS will allocate a time and place to conduct the review and notify the exporter;
- c. the wine maker will be invited to provide a written submission to the review panel for their consideration prior to the review;
- d. the wine maker and the review panel will be provided with copies of any documentation relevant to the review;
- e. the wine maker/exporter will be invited to attend the review in person or by representative;
- f. the review will be supervised by WECS;
- g. WECS will explain the grounds upon which the wine has been refused export eligibility approval;

- h. If the wine maker or their representative is present, they will be invited to make an oral submission in addition to any written submission already submitted. The review panel will be able to ask the wine maker or their representative any relevant questions at this time concerning the submissions;
- i. The wine maker or their representative will then be asked to leave the assessment room and the review panel will assess the wine. There may be no discussion between panel members at this time;
- j. The wine maker or their representative will be invited back into the assessment room and review panel members will be invited to ask any further questions they have, after which they will then be asked to leave the assessment room;
- k. Panel members will be asked to write their decision on the form provided;
- l. The panel may reserve its decision if it deems necessary, and give reasons for its decision.

5.5 Outcome of the review

If the review panel unanimously agrees that the wine is free from obvious fault, the wine maker/exporter or their representative and NZFSA will be notified of this and the export eligibility database will be updated to reflect this.

If the review panel are unable to unanimously agree that the wine is not free from obvious fault, this decision shall be notified by NZFSA to the wine maker/exporter or their representative. Export eligibility approval will not be granted for the wine, and it will not be eligible for export from New Zealand.