



Wine Critical Non-Compliance (CNC) / Export Non-Compliance (ENC) - Notification Guidance

When things go wrong with any aspect of production or the export chain, it can have a serious impact on trade and compromise New Zealand's reputation as a trusted supplier of food and food related products. The impact can extend well beyond the initial cause of the event to include a whole food sector or even the whole of NZ's export trade and "Brand New Zealand". The Ministry for Primary Industries (MPI) needs to know about these events as soon as possible in order to minimise any potential impact.

New Zealand Food Safety (NZFS) is a business unit of MPI responsible for CNC/ENC notification and resolution for wine.

Critical non-compliance (CNC) events

CNC events are any departure or breach of a regulatory requirement that is reasonably likely to:

- result in hazards in wine; or
- result in wine that has false or misleading labelling; or
- jeopardise access to overseas markets.

Some examples of CNC's for wine companies and verifiers to consider are, and are not limited to:

- hazards in wine causing a food safety issue: foreign objects such as glass, excess additive/preservative (e.g. sulphur dioxide), cleaning or refrigerant chemical contamination, spray residue above limits, presence of undeclared allergens;
- false or misleading labelling: wrong label on the bottle, missing information (address, regulatory information etc), allergens not being declared;
- traceability: records incomplete, WSMP registration missing or does not cover all items in scope, change of manager or address.

Traceability is essential to the verification of Wine Act compliance, and any of the following may result in a critical non-compliance:

- missing records;
- no registration;
- incorrect Wine Standards Management Plan (WSMP) details.

If you have a CNC event with your wine involving a food safety problem or if the wine is not fit for its intended purpose, you may need to recall it. Refer to the [Wine Standard Management Plan \(WSMP\) Integrated Model](#) and the [Food recall guidance for businesses](#) on the New Zealand Food Safety (NZFS) website.

The following information can be found in the website:

- [Step-By-Step Food Recall Guidance for Food Businesses](#) for food business operators who may need to recall their food product, including guidance regarding recalling exports.
- Guidance to help you decide if a recall is needed including completing the [Food recall risk assessment form \(RA Form\)](#) from the *Recommended steps for doing a food recall* section.
- Note: Wine is considered as a 'food' and all references to food recalls apply.

Export non-compliance (ENC) events

These are specific events associated with exporting wine which fall under the [duties of exporters](#) in the Wine Act.

ENC events include (and are not limited to) situations where exported wine:

- is not fit, or is no longer fit, for its intended purpose
- is refused entry by the foreign government concerned,
- does not meet or no longer meets the relevant overseas market access requirements (OMARs), does not have, or no longer has, the required official assurances.

Some examples of ENC's for wine companies and verifiers to consider are, and are not limited to:

- not fit for intended purpose: wine has become cloudy or has developed faults; or
- refused entry by foreign government: errors in export consignment documentation; or has the OMAR changed? It is important to keep up to date with changes.
- traceability: errors in wine batch or export consignment documentation for those countries where an official assurance has been issued.

Traceability is essential to the verification of Wine Act compliance, and any of the following may result in an export non-compliance:

- errors in an approved wine batch;
- errors on an approved export consignment application e.g. incorrect wine batch details / volume applied for.

Notifying NZFS of CNC / ENC events

Notification of CNC / ENC issues to NZFS is important. In many cases we can assist companies with additional guidance, or with product which has been stopped at the border due to perceived non-compliance. In the case of ENCs, the **consequences of not notifying** NZFS within the required 24-hour period can be much more serious than hoping it will not be detected.

The information collected through the CNC / ENC notification provides important intelligence for NZFS. Through identification of trends and awareness of wider issues within the local industry or in market, NZFS can improve guidance to minimise errors occurring, or work with overseas regulators to improve market access for New Zealand products.

However, please do not submit CNC / ENCs for minor commercial disputes between exporters and customers as these are outside of MPI's scope as a regulator.

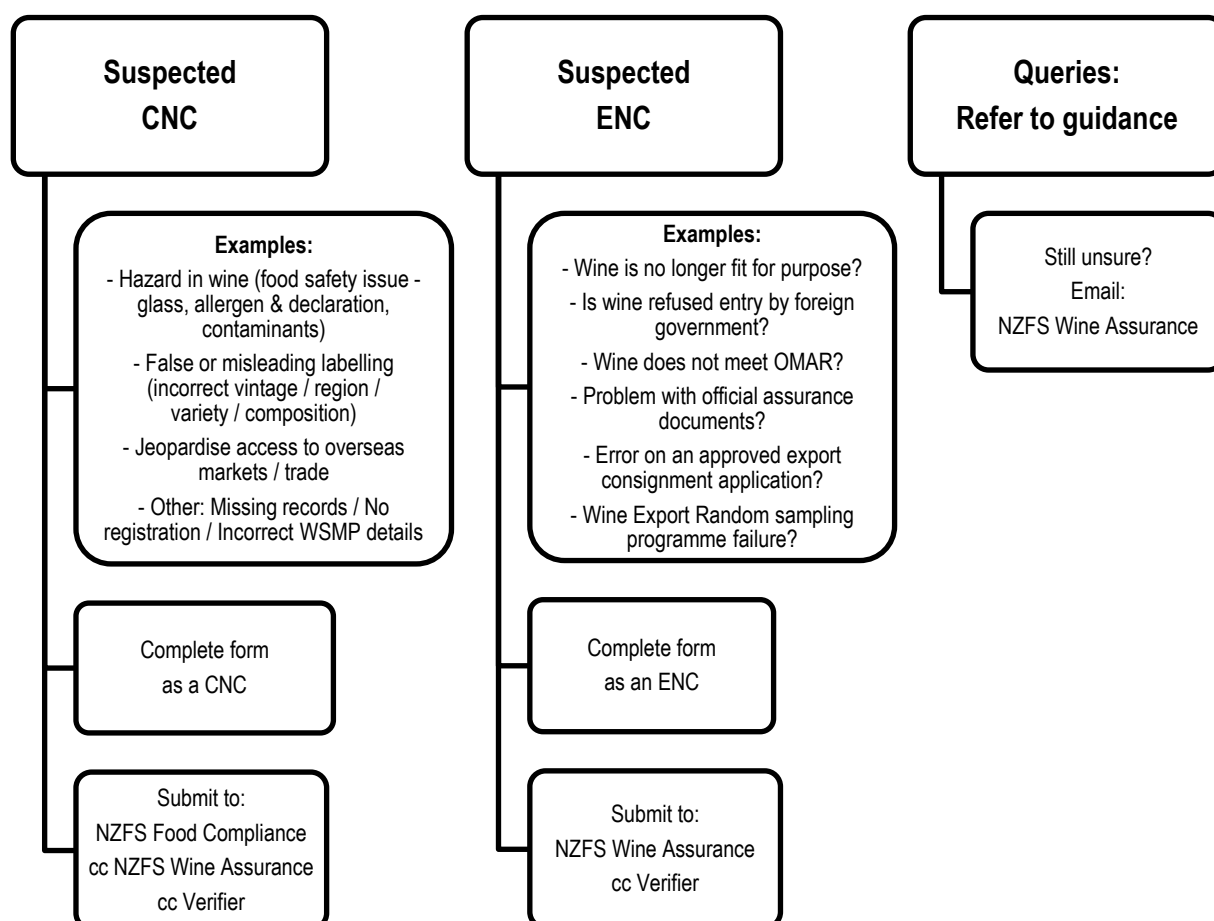
CNCs are received for action and analysis by the Food Compliance team and ENCs are received for action and analysis by the Wine Assurance team within NZFS. Refer to the Appendix for details on Root Cause Analysis and Corrective Actions.

Guidance to determine whether an event should be notified to NZFS

Please refer to figure 1: Wine CNC / ENC decision tree to help you determine whether or not a CNC / ENC notification is required.

If you have a WSMP, you can also request assistance from your verifier to assist in determining if the situation is an CNC or ENC.

Figure 1: Wine CNC / ENC Decision tree:



CNC / ENC Forms

Forms for notification of CNC / ENCs can be downloaded from the MPI website, [Critical and export non-compliance of wine](#) - Report non-compliance section.

Use Root Cause Analysis to identify the cause of the event and what is required to resolve those events. Refer to the appendix for more information about Root Cause Analysis techniques and Corrective Actions.

Companies can develop their own forms but need to ensure all the information required by NZFS is captured.

All notifications should be sent directly to the NZFS team listed on the Wine CNC / ENC decision tree (and cc your verifier if you have a WSMP). Email addresses are included in the Wine CNC / ENC notification form.

Replacement Export Documents

Where wine has been refused entry at the border due to export documentation errors, and a replacement certificate or additional official assurance is needed to gain entry, please request these through Wine e-Cert. For more information on this process, refer to the guides in Wine e-Cert.

Any questions or requests for replacement export certificates should be sent by email to the Wine Certification team at wine.certification@mpi.govt.nz

Returned Product

If you are bringing your wine back into New Zealand, notify NZFS by emailing details to the Wine Assurance team at wine.query@mpi.govt.nz and advise [New Zealand Customs Service](#).

Legal Requirements for WSMP Operators / Exporters

For a complete list of wine legislation, refer to [Requirement documents for exporting wine](#) on the MPI website.

Contact

For more information or if you have any comments or issues, contact NZFS by emailing the Wine Assurance team at wine.query@mpi.govt.nz

Disclaimer: This information is not a legal interpretation of the Wine Act and is intended only as a guide.

Appendix

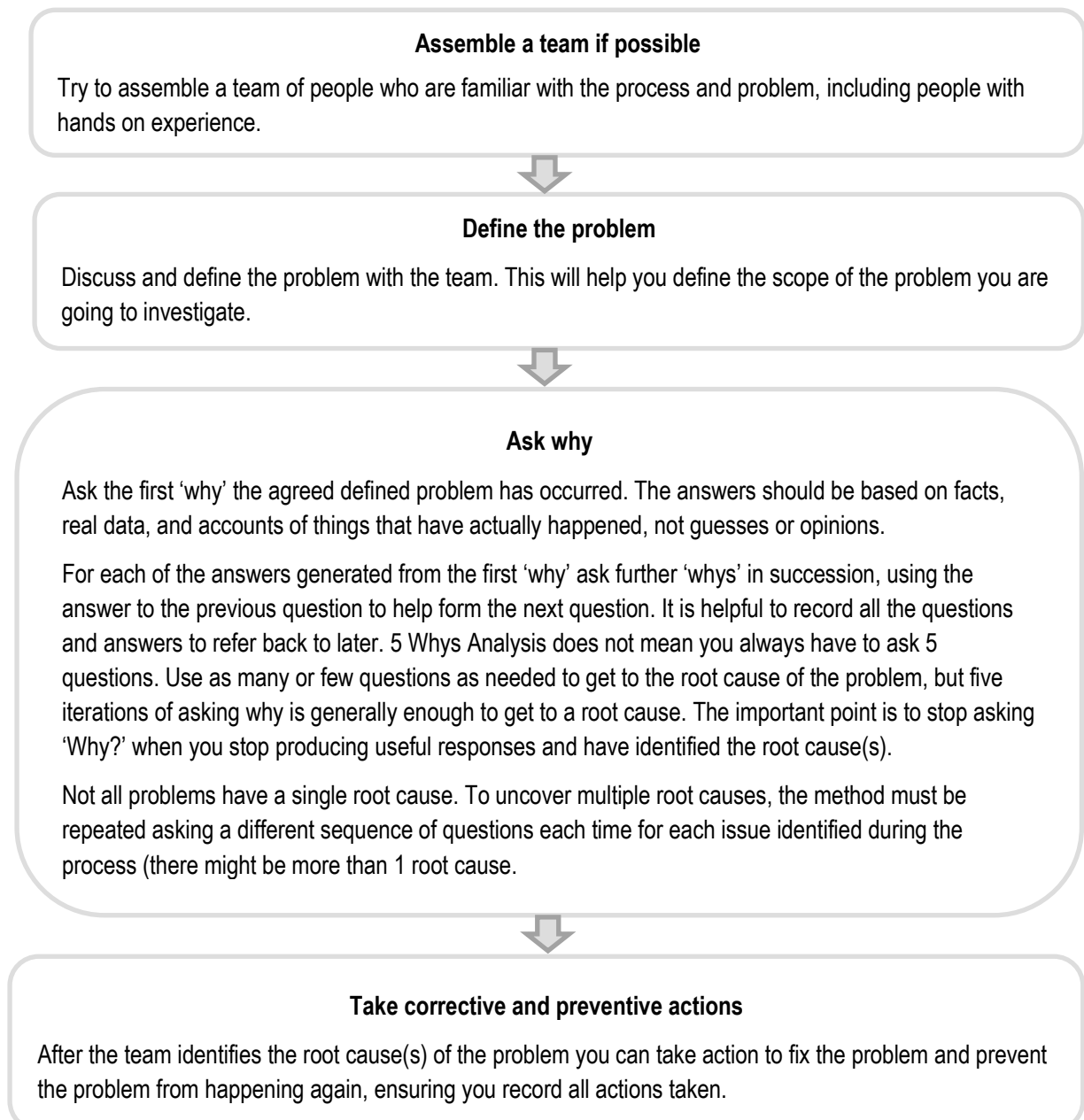
Root Cause Analysis:

The main focus of root-cause analysis is that you should be asking questions until the reason for the non-compliance becomes apparent or until all possible causes for the non-compliance has been considered. Determining the root-cause of the non-compliance is necessary to be able to effectively prevent reoccurrence.

'5 Whys root cause analysis' maybe helpful when identifying the root cause of the CNC/ENC

The 5 Whys technique is a useful and simple tool that can help you find the root cause of a problem relatively quickly by repeating the question "Why?". Each answer forms the basis of the next question. It is most effective when used to resolve simple or moderately difficult problems when the answers come from people who have hands on experience of the process or problem. 5 Whys also combines well with other more in-depth methods of root cause analysis which may be needed to tackle a complex problem.

Basic steps for 5 Whys Root Cause Analysis:



Corrective Actions:

Corrective actions to prevent the issue reoccurring must be taken and documented. Corrective actions should be S.M.A.R.T.:

Specific - include detail, state exactly what needs to be done.

Measurable - quantify or suggest an indicator of progress. Can you state when the action has been achieved?

Assignable - specify who will do it.

Realistic - what results can realistically be achieved, given available resources.

Timely - assign a completion date.

A corrective action must contain all five attributes if it is to be effective. If any corrective action is missing any one of the attributes, its chances for long lasting success will be reduced.

Review new processes, procedures or systems to determine if corrective actions were adequate to prevent reoccurrence of the problem. If the issue reoccurs, it was not the true root cause or only one of the root causes.

Remember all Root Cause Analysis and Corrective actions need to be documented.