

*Government Notice No. 209 of 2012***THE FISHERIES AND MARINE RESOURCES ACT****Regulations made by the Minister under section 74 of
the Fisheries and Marine Resources Act**

1. These regulations may be cited as the Fisheries and Marine Resources (Export of Fish and Fish Products) (Amendment) Regulations 2012.

2. In these regulations –

“principal regulations” means the Fisheries and Marine Resources (Export of Fish and Fish Products) Regulations 2009.

3. Regulation 2 of the principal regulations is amended –

(a) by deleting the definition of “registered person”;

(b) in the definition of “registration certificate”, by deleting the full stop and replacing it by a semicolon;

(c) by inserting, in the appropriate alphabetical order, the following new definitions –

“audit” means a formal validation, on such frequency as the competent authority may determine, of the activities of a business fish operator for the purpose of evaluating whether the fish business operator is complying with the Act, these regulations and any condition laid down by the importing country;

“certifying officer” means a veterinary officer designated by the competent authority;

“clean seawater” means natural, artificial or purified seawater or brackish water which does not contain harmful microorganisms, substances or toxic plankton in quantities

capable of directly or indirectly affecting the health quality of fish or fish products;

“clean water” means clean seawater or potable water;

“contaminant” means a microbiological, chemical and physical agent which does not form part of fish or fish products and will render the fish or fish products unwholesome;

“contamination” means the presence or introduction of a contaminant;

“fish business operator” means a person who is registered as such with the competent authority;

“fish products” means –

(a) processed, unprocessed or any edible form of fish; and

(b) includes –

(i) fish feed, fishmeal and fish based products; and

(ii) any product derived from fish intended for human consumption or for animal feeding;

“hazard” means a biological, chemical or physical agent in, or condition of, a fish or fish products with the potential to cause an adverse health effect;

“inspection” means the examination of the premises of a fish business operator and includes the examination of the activities of a fish business operator;

“potable water” has the same meaning as in the Guidelines for Drinking Water Quality issued by the World Health Organization;

“primary production” means the production, rearing, growing or harvesting of primary products;

“primary products” means products of stock farming and fishing;

“stage of production, processing and distribution” means any stage, including import, from and including the primary production of a fish and fish products, up to and including its storage, transport, sale or supply to the final consumer;

“temperature approaching that of melting ice” means a temperature as close as possible to 0 degree Celsius, but not greater than 4 degrees Celsius;

“traceability” means the ability to trace and follow a food or substance intended to be, or reasonably expected to be, incorporated into food through all stages of production, processing and distribution;

“zoonosis” means any disease or infection which is naturally transmissible, directly or indirectly, between animals and humans;

“zoonotic agent” means any virus, bacterium, fungus, parasite or other biological entity which is likely to cause a zoonosis.

4. The principal regulations are amended by inserting, after regulation 2, the following new regulation –

2A. The competent authority shall be the authority responsible for the inspection and certification of any fish and fish product intended for export and shall, for the purposes of discharging its functions under these regulations, not be subject to the direction or control of any other person or authority.

5. Regulation 3 of the principal regulations is amended –

(a) by deleting the word “These” and replacing it by the words “Subject to regulation 8A, these”;

- (b) in paragraph (a), by deleting the word “or”;
 - (c) in paragraph (b), by deleting the words “2 kilograms, which are intended for personal consumption.” and replacing them by the words “5 kilograms, which are intended for human consumption; or”;
 - (d) by adding the following new paragraph –
 - (c) the export of ornamental fish to be used as pets, not exceeding 10 in number.
- 6.** Regulation 4 of the principal regulations is amended –
- (a) in paragraph (1) –
 - (i) in subparagraph (a) –
 - (A) by deleting the words “consignment of”;
 - (B) in sub subparagraph (i), by inserting, after the word “registered”, the words “as a fish business operator”;
 - (ii) in subparagraph (b), by inserting, after the word “registered”, the words “as a fish business operator”;
 - (b) in paragraph (2), by inserting, after the word “registered”, the words “as a fish business operator”;
 - (c) in paragraph (4)(a), by inserting, after the words “applicant complies”, the words “, subject to paragraph (10),”;
 - (d) in paragraph (5), by inserting, after the words “it may”, the words “register the applicant as a fish business operator and”;
 - (e) in paragraph (7), by deleting the words “registered person shall, every year, renew his registration certificate” and replacing them by the words “fish business operator may

apply, every year, for renewal of his registration certificate within 30 days of expiry of his certificate,”;

(f) in paragraph (8), by deleting the words “registered person” and replacing them by the words “fish business operator”;

(g) in paragraph (9) –

(i) in subparagraph (a), by deleting the words “registered person” and replacing them by the words “fish business operator, in writing,”;

(ii) in subparagraph (b), by deleting the words “registered person” and replacing them by the words “fish business operator”;

(iii) in subparagraph (c), by inserting, after the words “subparagraph (b)”, the words “and after consultation with such person as he may deem fit,”;

(h) by adding the following new paragraphs –

(10) A person may make a request to the competent authority, in the form set out in the Fifth Schedule, for derogation from the criteria specified in the Second Schedule.

(11) Where the competent authority receives a request under paragraph (10), it may –

(a) grant the derogation subject to such terms and conditions as it may determine;

(b) refuse to grant derogation and give its reasons.

7. Regulation 5 of the principal regulations is amended –

(a) by revoking paragraph (1) and replacing it by the following paragraph –

(1) The competent authority may, for the purposes of determining whether a fish business operator is complying with this Act, these regulations and any condition laid down by the importing country, carry out an audit or inspection of the activities of the fish business operator.

- (b) in paragraph (2) –
 - (i) by inserting, after the word “carries”, the word “out”;
 - (ii) by deleting the word “inspection”;
 - (iii) by deleting the words “registered person” and replacing them by the words “fish business operator”;
 - (iv) by deleting the word “inspected” and replacing it by the word “audited”.

8. Regulation 6 of the principal regulations is amended –

- (a) by deleting the words “registered person” wherever they appear and replacing them by the words “fish business operator”;
- (b) in paragraph (3) –
 - (i) in subparagraph (a), by inserting, after the words “importing country,”, the words “the certifying officer of”;
 - (ii) by revoking subparagraph (b) and replacing it by the following subparagraph –

(b) Where a fish business operator wishes to amend any particulars in his export health certificate, he shall return his certificate to the competent authority and the competent authority may, on payment of the appropriate fee specified in the First Schedule, issue a new export health certificate to the fish business operator.

9. Regulation 7 of the principal regulations is amended by deleting the words “registered person” wherever they appear and replacing them by the words “fish business operator”.

10. Regulation 8 of the principal regulations is amended –

(a) in paragraph (2)(b), by deleting the word “or” and replacing it by the word “and”;

(b) by inserting, after paragraph (2), the following new paragraph –

(2A) (a) An authorised officer who has seized any fish or fish products may, where the fish or fish products are unfit for human consumption, destroy them or require the fish business operator to destroy them.

(b) The costs of destroying any fish or fish products under subparagraph (a) shall be borne by the fish business operator.

11. The principal regulations are amended by inserting, after regulation 8, the following new regulation –

8A. Any person who intends to export any fish, fish product or fish sample referred to in regulation 3 shall, prior to export, obtain an attestation on such terms and conditions as the competent authority may determine.

12. The First Schedule to the principal regulations is amended, in the first column, by deleting the words “Amendment fee” and replacing them by the words “Fee for new”.

13. The Second Schedule to the principal regulations is revoked and replaced by the Second Schedule set out in the First Schedule to these regulations.

- 14.** The Third Schedule to the principal regulations is amended –
- (a) in item 1, in the first column, by inserting, after the word “exporting”, the words “or processing”;
 - (b) in items 2 to 12, in the first column, by deleting the words “processing/exporting” and replacing them by the words “exporting or processing”;
 - (c) in items 13 to 16, in the first column, by inserting, after the word “exporting”, the words “or harvesting”.
- 15.** The principal regulations are amended by adding the Fifth Schedule set out in the Second Schedule to these regulations.

Made by the Minister on 23 November 2012.

FIRST SCHEDULE

[Regulation 13]

SECOND SCHEDULE

[Regulation 4(4)]

**CRITERIA FOR REGISTRATION AS FISH
BUSINESS OPERATOR**

CHAPTER I – General requirements for primary production

1. Fish business operators shall ensure that primary products are protected against contamination, having regard to any processing that the primary products will undergo.
2. Fish business operators shall comply with provisions relating to the control of hazards in primary production, including –
 - (a) measures to control contamination arising from air, soil, water, feed, veterinary medicinal products, and biocides and the storage, handling and disposal of waste; and
 - (b) measures relating to fish health and welfare that have implications for human health, including programmes for the monitoring and control of zoonoses and zoonotic agents.
3. Fish business operators rearing, harvesting or producing primary products of fish origin shall take adequate measures –
 - (a) to keep any facilities used in connection with primary production and associated operations, including facilities used to store and handle feed, clean and, where necessary after cleaning, to disinfect them;
 - (b) to keep clean and to disinfect equipment, containers, crates, vehicles and vessels;

- (c) to use potable water or clean water in order to prevent contamination;
- (d) to ensure that staff handling foodstuffs are in good health and undergo training on health risks;
- (e) to prevent animals and pests from causing contamination;
- (f) to store and handle waste and hazardous substances so as to prevent contamination;
- (g) to prevent the introduction and spread of contagious diseases transmissible to humans through fish, including taking precautionary measures when introducing new fish and reporting suspected outbreaks of such diseases to the competent authority;
- (h) to take account of the results of any relevant analyses carried out on samples taken from fish or fish product or other samples that have importance to human health; and
- (i) to use feed additives and veterinary medicinal products under the approval and supervision of the competent authority and as required by the relevant legislation.

4. Fish business operators shall keep and retain records relating to measures put in place to control hazards for a period of not less than 3 years. Such information shall, on request, be made available to the competent authority.

5. Fish business operators may be assisted by other persons, such as veterinarians, and farm technicians, with the keeping of records.

CHAPTER II – General requirements for fish and fish products handling and processing premises

1. Fish and fish products handling and processing premises shall be kept clean and maintained in good repair and condition.

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- 2.** The layout, design, construction, sitting and size of fish and fish products premises shall –
- (a) provide access for maintenance, cleaning and disinfection, avoid or minimise airborne contamination, and provide working space to allow for hygienic operations;
 - (b) prevent the accumulation of dirt, contact with toxic materials, the shedding of particles into fish and fish products and the formation of condensation or undesirable mould on surfaces;
 - (c) have good hygienic practices, including protection against contamination and pests;
 - (d) provide suitable temperature controlled handling and storage conditions of sufficient capacity for maintaining fish and fish products at appropriate temperatures and designed to allow those temperatures to be monitored and, where necessary, recorded.
- 3.** There shall be provided an adequate number of flush lavatories connected to an effective drainage system. Lavatories shall not be opened directly into rooms where fish and fish products are handled.
- 4.** Washbasins shall be made available, located and designated for cleaning hands. Washbasins for cleaning hands shall be provided with running water. Materials for cleaning hands and for hygienic drying shall be provided. The facilities for washing fish shall be separate from any other washing facility.
- 5.** There shall be natural or mechanical ventilation. Mechanical airflow from a contaminated area to a clean area shall be avoided. Ventilation systems shall be constructed so as to enable filters and other parts requiring cleaning or replacement to be readily accessible.
- 6.** Sanitary facilities shall have natural or mechanical ventilation.

7. Fish and fish products handling areas shall have natural or artificial lighting.
8. Drainage facilities shall be designed for the purpose intended and or to avoid the risk of contamination. Where drainage channels are fully or partially opened, they shall be so designed as to ensure that waste does not flow from a contaminated area towards or into a clean area, in particular an area where there is a risk of possible cross contamination of fish and fish products.
9. Changing facilities for personnel shall be provided which –
- (a) shall be distinct from any food storage, handling or processing area;
 - (b) allow for personal clothing to be stored separately from work wear;
 - (c) shall be adequately lit with either natural or artificial lighting; and
 - (d) allow access for effective cleaning.
10. Cleaning agents and disinfectants shall be stored in secure areas and in such a manner as to prevent any contamination of fish and fish products.

CHAPTER III – Specific requirements for boats or vessels

Fish business operators shall ensure that –

- (a) boats or vessels used to harvest fish from their natural environment, or used to handle or process them after harvesting, comply with the structural and equipment requirements specified under Part I; and
- (b) operations carried out on board boats or vessels shall take place in accordance with the criteria specified under Part II.

PART I – Structural and equipment requirements

A. Requirements for all boats or vessels

1. Boats or vessels shall be designed and constructed so as not to cause contamination of the products with bilge-water, sewage, smoke, fuel, oil, grease or other objectionable substances.
2. Surfaces with which fish come into contact shall comply with the requirements specified under Chapter II.
3. Equipment and material used for working on fish and fish products shall comply with the requirements specified under Chapter VIII.
4. Devices set up in vessels for water intake shall be situated so as to avoid contamination of the water supply.

B. Requirements for boats or vessels designed and equipped to preserve fresh fish and fish products for more than 24 hours

1. Boats or vessels designed and equipped to preserve fish and fish products for more than 24 hours shall be equipped with holds, tanks or containers for the storage of fish and fish products at temperatures specified under Chapter VII.
2. Holds shall be separated from the engine compartments and from the crew quarters by partitions so as to prevent any contamination of the stored fish and fish products. Holds and containers used for the storage of fish shall ensure their preservation in hygienic conditions and, where necessary, ensure that melt water does not remain in contact with the fish and fish products.
3. Vessels equipped for chilling fish and fish products in cooled clean seawater shall have tanks with incorporated devices for achieving a uniform temperature throughout the tanks. Such devices

shall achieve a chilling rate that ensures that the mix of fish and fish products and clean seawater reaches not more than 3 °C six hours after loading and not more than 0 °C after 16 hours and allow the monitoring and, where necessary, recording of temperatures.

C. Requirements for freezer vessels

Freezer vessels shall –

- (a) have freezing equipment with capacity to lower the temperature in all parts of the fish and fish products so as to achieve a temperature of not more than -18 °C;
- (b) have refrigeration equipment with capacity to maintain fish and fish products in the storage holds at not more than -18 °C. Storage holds shall be equipped with a temperature recording device in a place where it can be easily read. The temperature sensor of the reader shall be situated in the area where the temperature in the hold is the highest; and
- (c) meet the requirements for vessels designed and equipped to preserve fish and fish products for more than 24 hours as specified under paragraph 2 of Part B.

D. Requirements for factory vessels

1. Factory vessels shall have –

- (a) a receiving area reserved for taking fish on board, designed to allow each successive catch to be separated. This area shall be easy to clean and designed so as to protect the fish from the sun or the elements and from any source of contamination;
- (b) a hygienic system for conveying fish from the receiving area to the work area;
- (c) work areas designed for the hygienic preparation and

processing of fish, easy to clean and disinfect and designed and arranged in such a way as to prevent any contamination of the products;

- (d) storage areas for the finished products designed so that they are easy to clean. In case where a waste processing unit operates on board, a separate hold shall be designated for the storage of such waste;
- (e) a place for storing packaging materials shall be separate from the product preparation and processing areas;
- (f) special equipment for disposing waste of fish and fish products which are unfit for human consumption directly into the sea or, when waste is not disposed directly into the sea, and is stored and processed on board, special areas allocated for that purpose;
- (g) seawater intake situated in a position that prevents contamination of the potable water supply; and
- (h) hand-washing equipment for use by the staff in processing areas which shall be so designed to prevent the spread of contamination.

2. Factory vessels which freeze fish and fish products shall have equipment meeting the requirements for freezer vessels as specified under paragraphs 1 and 2 of Part C.

PART II – Hygiene requirements

1. When in use, the parts of vessels or containers set aside for the storage of fish shall be kept clean and maintained in good repair and condition. They shall not be contaminated by fuel or bilge water.

2. After they are taken on board, fish shall be protected from contamination and from the effects of the sun or any other source

of heat. They shall be washed, with either potable water or clean seawater.

3. Fish and fish products shall be handled and stored in such a manner as to prevent bruising as far as is practicable.

4. Fish other than fish kept alive shall undergo chilling forthwith after harvesting.

5. Ice used to chill fish and fish products shall be made from potable water or clean seawater.

6. Where fish is headed or gutted on board, such operations shall be carried out hygienically after capture, and the products must be washed thoroughly with potable water or clean water and shall be preserved under ice at a temperature approaching that of melting ice or be frozen at a temperature of not more than -18°C . The viscera and parts which shall constitute a danger to public health shall be removed forthwith and kept apart from products intended for human consumption. Livers and roes intended for human consumption shall be preserved under ice, at a temperature approaching that of melting ice, or be frozen at a temperature of not more than -18°C .

7. Where freezing in brine of whole fish intended for canning is practiced, a temperature of not more than -9°C shall be achieved for the product. The brine shall not be a source of contamination for the fish.

CHAPTER IV – Specific requirements in rooms where fish is prepared, treated or processed

1. In rooms where fish and fish products are prepared, treated or processed, the design and layout shall ensure good hygienic practices, including protection against contamination between and during operations, in particular –

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- (a)
 - (i) floor surfaces shall be maintained in a good condition and be easy to clean and disinfect;
 - (ii) impervious, non-absorbent, washable and non-toxic materials shall be used;
 - (iii) floors shall allow adequate surface drainage;
 - (b)
 - (i) wall surfaces shall be smooth and maintained in a good condition and be easy to clean and disinfect;
 - (ii) impervious, non-absorbent, washable and non-toxic materials shall be used;
 - (c) ceilings (or, where there are no ceilings, the interior surface of the roof) and overhead fixtures shall be constructed and finished to prevent the accumulation of dirt and to reduce condensation, the growth of undesirable mould and the shedding of particles;
 - (d)
 - (i) windows and other openings shall be constructed to prevent the accumulation of dirt;
 - (ii) those which can be opened to the outside environment shall be fitted with insect proof screens which allow for adequate cleaning;
 - (iii) where open windows would result in contamination, windows shall remain closed and fixed during production;
 - (e)
 - (i) doors shall be easy to clean and disinfected;
 - (ii) smooth and non-absorbent surfaces shall be used;
 - (f)
 - (i) surfaces (including surfaces of equipment) in areas where fish and fish products are handled shall be maintained in a good condition and, where necessary, be easy to clean and disinfected;
 - (ii) smooth, washable corrosion-resistant and non-toxic materials shall be used.

2. Facilities shall be provided for the cleaning, disinfecting and storage of working utensils and equipment. Those facilities shall be constructed of corrosion-resistant materials, be easy to clean and have an adequate supply of water.

3. Provision shall be made for washing fish and fish products. Every sink or other such facility provided for the washing of fish and fish products shall have an adequate supply of potable water consistent with the requirements specified under Chapter X and be kept clean and disinfected.

CHAPTER V – Requirements during and after landing

1. Fish business operators responsible for the unloading and landing of fish and fish products shall –

- (a) ensure that unloading and landing equipment that comes into contact with fish and fish products complies with the requirements specified under Chapter VIII;
- (b) avoid contamination of fish and fish products during unloading and landing, in particular by –
 - (i) carrying out unloading and landing operations forthwith unless there is a satisfactory reason for not doing so;
 - (ii) placing fish and fish products forthwith in a protected environment at the temperature specified under Chapter VII, unless there is a satisfactory reason for not doing so; and
 - (iii) using equipment and carrying out practices that do not cause unnecessary damage to the edible parts of the fish and fish products.

2. Fresh fish, other than those kept alive, shall continue to be stored in chilled conditions at a temperature approaching that of melting ice during and after landing.
3. Fish business operators shall cooperate with the competent authority to allow the carrying out of official controls and as regards to any notification procedures for the landing of fish and fish products as the competent authority may consider necessary.

CHAPTER VI – Transport

1. Conveyances and containers used for transporting fish and fish products shall be kept clean and maintained in good repair and condition to protect fish and fish products from contamination and shall be designed and constructed to allow cleaning and disinfection.
2. Conveyances and containers used for transporting anything other than fish and fish products shall, as far as practicable, be used exclusively for this purpose. Where, for practical reasons, this is not practicable, conveyances and containers used for transporting anything other than fish and fish products shall be effectively cleaned and, where necessary, disinfected between loads to avoid the risk of contamination.
3. Fish and fish products in conveyances and containers shall be so placed and protected so as to prevent the risk of contamination.
4. Conveyances and or containers used for transporting fish shall be capable of maintaining them at the temperatures specified under Chapter VII and allow those temperatures to be monitored.
5. Frozen fish and fish products, with the exception of whole fish initially frozen in brine intended for canning, shall be maintained during transport at an even temperature of not more than -18°C in all parts of the product, possibly with short upward fluctuations of not more than 3°C . Whole fish initially frozen in brine intended for

canning shall be maintained during transport at an even temperature of not more than -9°C .

6. Fish business operators may not comply with item 5 where frozen fish is transported from a cold store to a registered establishment to be thawed on arrival for the purposes of preparation and processing, if the journey is short and the competent authority so permits.

7. If fish and fish products are kept under ice, melt water must not remain in contact with the products.

8. Live fish which are placed on the market live shall be transported in such a way that their food safety or their viability is not affected.

CHAPTER VII – Storage of fish and fish products

Fish business operators storing fish and fish products shall ensure compliance with the following requirements –

- (a) fresh fish and fish products, thawed unprocessed fish, and cooked and chilled products from molluscs and crustaceans shall be maintained at a temperature approaching that of melting ice;
- (b) frozen fish and fish products shall be maintained at a temperature of not more than -18°C in all parts of the product; whole fish initially frozen in brine intended for the manufacture of canned food may be maintained at a temperature of not more than -9°C ;
- (c) fish and fish products kept alive shall be maintained at a temperature and in a manner that does not adversely affect food safety or their viability;
- (d) any fish and fish products not referred to in (a), (b) or (c) shall be maintained at a temperature that shall not result in a risk to the health of the consumer.

CHAPTER VIII – Equipment requirements

1. All articles, fittings and equipment with which fish and fish products come into contact shall –

- (a) (i) be effectively cleaned and, where necessary, disinfected;
- (ii) cleaning and disinfection shall take place at a frequency sufficient to avoid any risk of contamination;
- (b) be so constructed, be of such materials and be kept in such good order, repair and condition as to minimise any risk of contamination;
- (c) with the exception of non-returnable containers and packaging, be so constructed, be of such materials and be kept in such good order, repair and condition as to enable them to be kept clean and, where necessary, to be disinfected; and
- (d) be installed in such a manner as to allow adequate cleaning of the equipment and the surrounding area.

2. Where necessary, equipment shall be fitted with any appropriate control device to comply with the Act, these regulations and any conditions laid down by the importing country.

3. Where chemical additives shall be used to prevent corrosion of equipment and containers, they shall be in accordance with good practice.

CHAPTER IX – Fish waste

1. Fish waste, non-edible by-products and other refuse shall be removed from rooms where fish and fish products are present at regular intervals, so as to avoid their accumulation.

2. Fish waste, non-edible by-products and other refuse shall be deposited in closable containers. These containers shall be kept in good condition and shall be easy to clean and disinfected. Containers for fish and fish products waste, non-edible by-products and other refuse shall be marked in a legible and conspicuous manner for clear identification.

3. Provision shall be made for the storage and disposal of fish waste, non-edible by-products and other refuse. Refuse stores shall be designed and managed in such a way to be kept clean and free of animals and pests.

4. All waste shall be eliminated in a hygienic and sustainable manner in accordance with appropriate legislation applicable to that effect, and shall not constitute a direct or indirect source of contamination.

CHAPTER X – Water supply

1. (a) Provision shall be made by a fish business operator to ensure all water used for the processing of fish and fish products or for the cleaning of fish handling, storage or processing equipment is of a potable water quality.

(b) Clean water may be used with whole fish. Clean seawater may be used with live bivalve molluscs, echinoderms, tunicates and marine gastropods; clean water may also be used for external washing. When such water is used, adequate facilities shall be available for its supply.

(c) Where potable water and either clean water or clean seawater are utilised the distribution network shall be separate in each case and marked in a legible and conspicuous manner for clear identification.

2. Where non-potable water is used, for fire control, steam production, refrigeration and other similar purposes, it is to circulate

in a separate duly identified system. Non-potable water shall not connect with, or allow reflux into, potable water systems.

3. Recycled water used in processing or as an ingredient shall not present a risk of contamination and shall be of the same standard as potable water.

4. Ice which comes into contact with fish and fish products shall be made from potable water or, when used to chill whole fish, clean water. It shall be made, handled and stored under conditions that protect it from contamination.

5. Steam used directly in contact with fish and fish products shall not contain any substance which is likely to contaminate the fish product.

6. Where heat treatment is applied to fish products in hermetically sealed containers, water used to cool the containers after heat treatment shall not be a source of contamination for the fish product.

CHAPTER XI – Provisions applicable to fish and fish products

1. Fish business operators shall not accept raw materials or ingredients, other than live fish, or any other material used in processing products, where they are known to be, or might reasonably be expected to be, contaminated with parasites, pathogenic microorganisms or toxic, decomposed or foreign substances to such an extent that, even after the fish business operator has hygienically applied normal sorting and preparatory or processing procedures, the final product would be unfit for human consumption.

2. Raw materials and all ingredients stored in a fish business shall be kept in appropriate conditions designed to prevent harmful deterioration and protect them from contamination.

3. At all stages of production, processing and distribution, fish and fish products shall be protected against any contamination likely

to render the fish and fish products unfit for human consumption, injurious to health or contaminated in such a way that it would be unreasonable to expect it to be consumed in that state.

4. Procedures shall be in place to control pests and to prevent domestic animals from having access to places where fish and fish products are prepared, handled or stored.
5. Raw materials, ingredients, intermediate products and finished products likely to support the reproduction of pathogenic micro-organisms or the formation of toxins shall not be kept at temperatures that result in a risk to health. Limited periods outside temperature control are permitted, to accommodate the practicalities of handling during preparation, transport, storage of fish products provided that it does not result in a risk to health. Fish business operators manufacturing, handling and wrapping processed fish shall have suitable rooms for the separate storage of raw materials from processed material.
6. Where fish and fish products are held at chilled temperatures they shall be cooled forthwith following the heat processing stage, or final preparation stage if no heat process is applied, to such temperature as may be specified under Chapter VII.
7. The thawing of fish and fish products shall be undertaken in such form and manner as to avoid the risk of growth of pathogenic micro-organisms or the formation of toxins in the fish and fish products. During thawing, fish and fish products shall not be subjected to temperatures which may be a risk to health. Where run-off liquid from the thawing process may present a risk to health it is to be adequately drained. Following thawing, fish and fish products shall be handled in such a manner as to avoid the risk of growth of pathogenic microorganisms or the formation of toxins.

CHAPTER XII – Provisions applicable to the wrapping and packaging of fish and fish products

1. Material used for wrapping and packaging shall not be a source of contamination.
2. Wrapping materials shall be stored in such a manner that they are not exposed to a risk of contamination.
3. Wrapping and packaging operations shall be carried out so as to avoid contamination of the products. Where cans and glass jars are used, the integrity of the container's construction and cleanliness shall be assured.
4. Packaging material shall comply with the conditions laid down by the importing country concerning the use of epoxy derivatives in material intended to come into contact with fish.
5. Receptacles in which fresh fish and fish products are kept under ice must be water resistant and shall ensure that melt water does not remain in contact with the products.
6. Frozen blocks prepared on board vessels shall be wrapped before landing.
7. Wrapping and packaging material re-used for fish and fish products shall be easy to clean and, where necessary, easy to be disinfected.

CHAPTER XIII – Requirements for ambient stable fish products in hermetically sealed containers

1. Any heat treatment process used to process an unprocessed product or to process further a processed product shall –
 - (a) raise every part of the product treated to a given temperature for a given period of time required to render the product

free from pathogenic microorganisms for the period of the declared shelf life; and

- (b) prevent the product from becoming contaminated during the process.

2. To ensure that the process employed achieves the desired objectives, fish business operators shall regularly check the main relevant parameters (particularly temperature, pressure, sealing and microbiology), including the use of automatic devices.

3. To ensure the heat treatment process conforms to the appropriate protocol laid down by the Institute for Thermal Processing Specialists.

CHAPTER XIV – Requirements for fresh fish and fish products

1. Where chilled, unpackaged products are not distributed, dispatched, prepared or processed immediately after reaching an establishment on land, they shall be stored under ice in appropriate facilities. Re-icing must be carried out as often as necessary. Packaged fresh fish and fish products shall be chilled to such temperature as may be specified under Chapter VII.

2. Operations such as heading and gutting shall be carried out hygienically. Where gutting is possible from a technical and commercial viewpoint, it shall be carried out forthwith after the products have been caught or landed. The products shall be thoroughly washed with potable water or, on board vessels, with clean water immediately after these operations.

3. Operations such as filleting and cutting shall be carried out so as to avoid contamination or spoilage of fillets and slices. Fillets and slices shall not remain on the worktables beyond the time necessary for their preparation. Fillets and slices shall be wrapped and packaged and shall be chilled forthwith after their preparation.

4. Containers used for the dispatch or storage of unpackaged prepared fresh fish and fish products stored under ice shall ensure that melt water does not remain in contact with the products.

5. Whole and gutted fresh fish products shall be transported and stored in cooled water on board vessels. They shall also continue to be transported in cooled water after landing, or transported from aquaculture establishments, until they arrive at the first establishment on land carrying out any activity other than transport or sorting.

CHAPTER XV – Requirements for frozen fish and fish products

Establishments on land that freeze fish and fish products shall have equipment which satisfy the requirements specified for freezer vessels under Chapter I and Part C of Chapter III.

CHAPTER XVI – Requirements for mechanically separated fish and fish products

Fish business operators which manufacture mechanically separated fish products shall ensure compliance with the following requirements –

- (a) the raw materials used shall satisfy the following requirements –
 - (i) only whole fish and bones after filleting shall be used to produce mechanically separated fish products;
 - (ii) all raw materials shall be free from viscera;
- (b) the manufacturing process shall satisfy the following requirements –
 - (a) mechanical separation shall take place without undue delay after filleting;

- (b) if a whole fish is used, it shall be gutted and washed beforehand;
- (c) after production, mechanically separated fish products shall be frozen forthwith or incorporated in a product intended for freezing or a stabilising treatment.

CHAPTER XVII – Requirements for processed fish and fish products (other than those specified in Chapter XIII)

Fish business operators cooking crustaceans and mollusks shall ensure compliance with the following requirements –

- (a) cooling shall immediately follow cooking. Cooling shall be performed in such a manner as to preclude contamination or deterioration of the products. Water used for this purpose shall be potable water or, on board vessels, clean water. If no other method of preservation is used, cooling shall continue until a temperature approaching that of melting ice is reached;
- (b) shelling or shucking shall be carried out hygienically, avoiding contamination of the product. Where such operations are done by hand, workers shall pay particular attention to washing their hands;
- (c) after shelling or shucking, cooked products shall be frozen or chilled forthwith to a temperature as specified in Chapter VII.

CHAPTER XVIII – Requirements for smoked fish and fish products

Fish business operators of smoking fish and fish products shall ensure compliance with the following requirements –

- (a) any frozen fish and fish products intended to be smoked shall be thawed to a temperature not exceeding 7°C prior

to processing. Thawing shall be performed in such a manner as to preclude contamination or deterioration of the product;

- (b) any fresh fish and fish products which cannot begin processing within one hour of arrival at the establishment shall be maintained at temperatures specified in Chapter VII;
- (c) for smoke production, the wood, wood shavings or sawdust shall be free from soil dust and harmful substances;
- (d) the temperature of fish and fish products subjected to a cold smoking process shall not exceed 29oC during the smoking process;
- (e) during hot smoking the time temperature combination used shall be sufficient to obtain a complete coagulation of the protein;
- (f) on completion of the smoking process, smoked fish and fish products shall be cooled rapidly to a temperature as specified in Chapter VII. Cooling shall be performed in such a manner as to preclude contamination or deterioration of the product.

CHAPTER XIX – Personal hygiene

1. Every person working in a fish handling area shall maintain a high degree of personal cleanliness and shall wear suitable, clean and, where necessary, protective clothing that does not constitute a risk to the product.
2. Every person working in a fish and fish product handling area shall receive food handlers training as specified in the Food Act and receive a Food Handlers Certificate issued by the Ministry responsible for the subject of health.

3. Where such training specified in paragraph 2 cannot be given prior to starting work in a fish and fish products handling area, the fish business operator shall have in place formal recorded instructions to the satisfaction of the competent authority.

4. No person suffering from, or being a carrier of a disease likely to be transmitted through food or afflicted, with infected wounds, skin infections, sores or diarrhea shall be authorised to handle fish and fish products or enter any fish and fish products handling area in any capacity where there is any likelihood of direct or indirect contamination. The fish business operator shall have in place procedures for any person so affected and who is likely to come into contact with fish and fish products to report immediately the illness or symptoms, and their causes to the fish business operator.

CHAPTER XX – Training

Fish business operators shall ensure –

- (a) that fish and fish products handlers are supervised, instructed and trained in food hygiene matters commensurate with their work activity;
- (b) that those responsible for the development and maintenance of the procedure referred to in Chapter XXVI or for the operation of relevant guides have received adequate training in the application of the HACCP principles and have received formal recorded food handlers training as required under Chapter XIX point 2.

CHAPTER XXI – Requirements concerning parasites

1. Fish business operators shall ensure that fish and fish products have been subjected to a visual examination for the purpose of detecting visible parasites before being placed on the market. They

shall not place fish and fish products which are contaminated with parasites on the market for human consumption.

2. The following fish and fish products shall be frozen at a temperature of not more than -20°C in all parts of the product for not less than 24 hours; this treatment shall be applied to the raw product or the finished product –

- (a) fish and fish products to be consumed raw or almost raw;
- (b) minimally processed fish products that shall not undergo any further process prior to consumption;
- (c) fish and fish products from the following species if they are to undergo a cold smoking process in which the internal temperature of the fish and fish products is not more than 60°C –
 - (i) herring;
 - (ii) mackerel;
 - (iii) sprat;
 - (iv) (wild) Atlantic and Pacific salmon; and
- (d) marinated and salted fish and fish, in case the processing is insufficient to destroy nematode larvae.

3. Fish business operators need not carry out the treatment required under paragraph 2 where –

- (a) epidemiological data are available indicating that the fishing grounds of origin do not present a health hazard with regard to the presence of parasites; and
- (b) the competent authority so authorises.

4. A document from the manufacturer, stating the type of process they have undergone, must accompany fish and fish products referred

to in paragraph 2 when placed on the market, except when supplied to the final consumer.

CHAPTER XXII – Requirements regarding toxins

1. Fish and fish products derived from the Canthigasteridae, Diodontidae, Molidae and Tetraodontidae families shall not be exported.
2. Fish and fish products containing biotoxins such as ciguatoxin or muscle paralysing toxins shall not be exported.
3. Fresh, prepared and processed fish belonging to the family Gempylidae, may only be exported in wrapped/packaged form and must be appropriately labeled to provide information to the consumer on preparation or cooking methods and on the risk related to the presence of substances with adverse gastrointestinal effects. The scientific name shall accompany the common name on the label.

CHAPTER XXIII – Requirements regarding organoleptic properties of fish

Fish business operators shall carry out an organoleptic examination of fish and fish products. In particular, this examination shall ensure that the fish comply with any freshness criteria.

CHAPTER XXIV – Requirements regarding histamine

Fish products from fish species associated with a high amount of histidine shall comply with the conditions laid down by the importing country with regard to histamine.

CHAPTER XXV – Requirements regarding contaminants

Fish and fish products shall comply with the conditions laid down by the importing country with regard to maximum levels of contaminants.

CHAPTER XXVI – Requirements regarding food safety procedures

1. Fish business operators shall put in place, implement and maintain a permanent procedure or procedures based on the principles of HACCP as laid down in Codex Alimentarius for each fish and fish products they intend to handle, store and manufacture at each site registered with the competent authority in accordance with regulation 4(b).

2. The HACCP principles referred to in paragraph 1 consist of the following –

- (a) identifying any hazards that shall be prevented, eliminated or reduced to acceptable levels;
- (b) identifying the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or to reduce it to acceptable levels;
- (c) establishing critical limits at critical control points which separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards;
- (d) establishing and implementing effective monitoring procedures at critical control points;
- (e) establishing corrective actions when monitoring indicates that a critical control point is not under control;
- (f) establishing procedures, which shall be carried out regularly, to verify that the measures outlined in subparagraphs (a) to (e) are working effectively; and
- (g) establishing documents and records commensurate with the nature and size of the fish business to demonstrate the effective application of the measures outlined in subparagraphs (a) to (f).

3. Where any modification is made in the product, process, or any step, fish business operators shall review the procedure or procedures referred to in paragraph 2 and make the necessary alterations as required for the maintenance of the said procedure or procedures.
4. Paragraph 1 shall apply only to fish business operators carrying out any stage of storage, production, processing of fish and fish products after primary production excluding transport.
5. Fish business operators shall –
 - (a) provide the competent authority with evidence of their compliance with paragraph 1 in the manner that the competent authority requires, taking account of the nature and size of the fish business;
 - (b) ensure that any document describing the procedures developed in accordance with this Chapter are up to date at all times;
 - (c) retain any other documents and records for the declared shelf life of the product and for an additional 6 months as a minimum.

CHAPTER XXVII – Requirements regarding traceability

1. The traceability of fish and fish products, and any other substance intended to be, or expected to be, incorporated into a fish and fish product shall be established at all stages of production, processing and distribution.
2. Fish business operators shall be able to identify any person from whom they have been supplied with fish and fish products, or any substance intended to be, or expected to be, incorporated into a fish and fish product. To this end, such operators shall have in place systems and procedures which allow for this information to be made available to the competent authority on demand.

3. Fish business operators shall have in place systems and procedures to identify the other businesses to which their products have been supplied. This information shall be made available to the competent authority on demand.

4. Fish which is exported or is likely to be exported shall be adequately labeled or identified to facilitate its traceability, through relevant documentation or information in accordance with the relevant requirements of more specific provisions.

SECOND SCHEDULE

[Regulation 15]

FIFTH SCHEDULE

[Regulation 4(10)]

**Republic of Mauritius****FISHERIES AND MARINE RESOURCES (EXPORT OF FISH AND FISH PRODUCTS) REGULATIONS 2009****[Regulation 4(10)]****MINISTRY OF FISHERIES****Competent Authority (Seafood)****REQUEST FOR DEROGATION**

Name of Applicant	
Date of request	
Derogation required	
Justification	
Conditions of derogation	
Review date	

Name of Applicant :

Position :

Signature :

Date :