SAINT VINCENT AND THE GRENADINES

FISHERIES (FISH AND FISH PRODUCTS) REGULATIONS, 2006

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SAINT VINCENT AND THE GRENADINES

STATUTORY RULES AND ORDERS

2006 NO. 12

(Gazetted 23rd May, 2006)

In exercise of the powers conferred by section 45 of the Fisheries Act, (Cap. 52 of the Laws of Saint Vincent and the Grenadines Revised Edition 1990), the Minister makes the following Regulations:

FISHERIES (FISH AND FISH PRODUCTS) REGULATIONS, 2006

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the Fisheries (Fish and Fish Products) Regulations, 2006.

Interpretation

2. (1) In these Regulations, except where the context otherwise requires:

"batch" means the quantity of fishery products obtained under practically identical circumstances during a distinct period of time normally not exceeding a calendar day;

"chilling" means the process of cooling fishery products to a temperature approaching that of melting ice;

"clean sea water" means sea water or briny water which is free from micro-biological contamination, harmful substances or toxic marine plankton in such quantities as may affect the health and safety aspects of fishery products, and which is used under the conditions laid down in these Regulations;

"Competent Authority" means the Chief Fisheries Officer;

"consignment" means the quantity of fishery products bound for one or more customers in the country of destination and conveyed by one means of transport only;

"fisheries officer" means the Chief Fisheries Officer, such other fisheries officer, assistant fisheries officers and other officer appointed under section 3 (2) of the principal Act;

"fish processing establishment" has the meaning assigned in the principal Act;

"fishery products" means all sea water or fresh water animals or their parts, including their roes, but excluding aquatic mammals and frogs;

"fresh products" means any fishery products whether whole, prepared or packaged under vacuum or in a modified atmosphere and which have not undergone any treatment to ensure preservation other than chilling;

"freezing process" means a process which is carried out in appropriate equipment in such a way that the range temperature of maximum crystallization is passed quickly and the quick freezing process is regarded as complete when the product temperature has reached -18°C or lower after temperature stabilization;

"inspector" includes an authorised officer who is appointed under section 32 of the principal Act;

"marine products" includes fishery products;

"means of transport" means those parts set aside for goods in automobile vehicles, aircraft, the holds of vessels, and containers for transport by land, sea or air;

"packaging" means the procedure of protecting fishery products by a wrapper, container or other suitable device;

"placing on the market" means, in respect of fishery products for human consumption, the holding or displaying for sale, offering for sale, selling, delivering or other similar form but does not include retail sales and direct transfers on local markets of small quantities by persons who fish for, take, catch or kill fish to retailers or consumers;

"potable water" means fresh water used for human consumption, the potability of which should not be lower than the appropriate standards including the standards established in the latest edition of WHO International Standards for Drinking Water;

"premises" includes a fishing vessel or any place used for carrying on any business in connection with fishery products or activities connected therewith, or ancillary thereto or with the treatment, storage or sale of fishery products;

"prepared product" means any fishery product which has undergone an operation affecting its anatomical wholeness including gutting, heading, slicing, filleting or chopping;

"preserve" means the process whereby products are packaged in hermetically sealed containers and subjected to heat treatment to the extent that any micro-organisms that might proliferate are destroyed or inactivated, irrespective of the temperature at which the product is to be stored;

"principal Act" means the Fisheries Act; Cap. 52

"processed product" means any fishery product which has undergone a chemical or physical process including heating, smoking, salting, dehydration or marinating, of chilled or frozen products, whether or not associated with other foodstuffs or a combination of these various processes;

"products" means fishery products;

"vessel" means a fishing vessel

PART II

HYGIENE STANDARDS APPLICABLE TO FISHERY PRODUCTS ON BOARD FISHING VESSELS

Hygiene standards for fishing vessels

3. (1) A person shall not carry out on a fishing vessel any commercial operation in relation to fishery products unless the following general hygiene standards are strictly observed in relation to that vessel and the operations carried out on it:

(a) all surfaces with which fishery products might come into contact shall be made of suitable corrosion-resistant material which will not contaminate the fishery products with harmful substances;

(b) sections of vessels or containers reserved for storage of fishery products shall be designed to allow them to be cleaned easily and to ensure that melt water cannot remain in contact with the fishery products; and

(c) when used, the sections of vessels or the containers reserved for storage of the fishery products shall -

(i) be completely clean, and

(ii) not allow the fishery products to be contaminated by the fuel used or by bilge water.

(2) Fishery products shall, as soon as possible after they are taken on board, be protected from:

(a) any source of contamination;

(b) the sun; or

(c) any other source of heat.

(3) Where fishery products are washed on board the vessel, the water used shall be clean sea water or potable water so as not to impair the quality or wholesomeness of the fishery products.

(4) The following shall apply:

(a) fishery products shall be handled and stored in a manner to prevent their bruising:

(b) the use of spiked instruments is allowed to move large fish or other fish which might injure their handler, provided that the flesh of such fish is not bruised while being moved;

(c) fishery products other than those kept alive shall be chilled to a temperature of between 0°C to 5°C by proper icing as soon as possible after loading; and

(d) where it is not possible to chill the fishery products, they shall not be kept on board for more than five hours.

(5) Any ice used for chilling the fishery products shall be made from potable water or clean sea water, and the ice shall be stored and handled before use under conditions which prevent its contamination.

(6) After fishery products have been unloaded, the containers, equipment and the sections of vessels which have been directly in contact with the fishery products shall be cleaned with potable water or clean sea water, and:

(a) when fish is bled, headed, gutted or its fins removed on board, those operations shall be carried out hygienically and the products shall be washed immediately and thoroughly with potable water or clean sea water;

(b) any viscera, or other parts which may pose a threat to public health, shall be removed and kept apart from products intended for human consumption; and

(c) any livers and roes intended for human consumption shall be chilled or frozen as soon as is practicable.

(7) Any equipment used for bleeding, heading, gutting or removing fins, and any containers or equipment with which fishery products have come into direct contact shall be made of or coated with a material which is:

(a) waterproof;

(b) resistant to decay;

(c) smooth; and

(d) easy to disinfect.

(8) The equipment and containers referred to in sub-regulation (1) shall be completely clean when used.

(9) Staff assigned to handle fishery products shall be required to maintain a high standard of cleanliness for themselves and their clothes.

PART III

ADDITIONAL HYGIENE STANDARDS APPLICABLE TO FISHING VESSELS DESIGNED AND EQUIPPED TO PRESERVE FISHERY PRODUCTS UNDER SATISFACTORY CONDITIONS FOR MORE THAN 24 HOURS

Requirements for fishing vessels

4. (1) Fishing vessels designed and equipped to preserve fishery products under satisfactory conditions for more than 24 hours shall be equipped with holds, tanks or containers for the storage of chilled fishery products at a temperature of 0°C to 5°C and in the case of frozen products at a temperature of -18°C or below.

(2) The holds, which shall be designed to ensure that melt water does not remain in contact with the fishery products, shall be separated from:

(a) the machinery space; and

(b) the quarters reserved for the crew,

by partitions which are sufficiently impervious to prevent any contamination of the stored fishery products.

(3) The inside surface of the holds, tanks or containers shall be:

(a) waterproof;

(b) easy to wash;

(c) easy to disinfect;

(d) of smooth material or of smooth paint maintained in good condition; and

(e) not capable of transmitting to the fishery products substances harmful to human health.

(4) The operator of a fishing vessel shall ensure that adequate measures are put in place to facilitate the use of containers under satisfactory conditions of hygiene for the purpose of storing and preserving fishery products.

(5) The containers shall be completely clean when used, and shall allow for the drainage of melt water.

(6) The working decks, holds, tanks, containers and equipment shall be cleaned with potable water or clean sea water as soon as possible after use.

(7) Pursuant to sub-regulation (6), disinfection shall be done regularly.

(8) Insects shall be removed and rodents or any animals shall be exterminated whenever necessary.

(9) Any cleaning compounds, disinfectants, insecticides and other potentially toxic substances shall:

(a) be stored in locked premises or cupboards; and

(b) cause no risk of contamination of the fishery products.

Freezing process for fishery products

5. (1) Where fishery products are frozen on board vessels, that operation shall be carried out in accordance with conditions laid down in these Regulations for frozen fishery products.

(2) If freezing in brine is used, all adequate steps shall be taken to ensure that such brine does not contaminate the fishery products.

Chilling of fishery products

6. (1) The following conditions shall apply where fishing vessels are equipped for the chilling of fishery products in cooled sea water, either by ice or refrigerated by mechanical means:

(a) tanks shall be equipped with adequate sea water filling and drainage installations and shall incorporate devices for achieving uniform temperature throughout the tanks;

(b) tanks shall have means of recording temperature connected to a temperature sensor positioned in the section of the tank where temperatures are highest;

(g) have displayed in a prominent position signs prohibiting smoking, spitting, eating and drinking;

(h) be closeable, and be kept closed when the Competent Authority considers it necessary;

(i) have facilities to provide adequate supplies of potable water or clean sea water;

(j) have special water tight receptacles made of corrosion-resistant materials for keeping fishery products which are unfit for human consumption; and

(k) have an adequately equipped lockable room and the equipment necessary for carrying out inspections if the Competent Authority does not have its own premises on the spot or in the immediate vicinity, on the basis of the quantities of fishery products displayed for sale.

Speedy transportation of fishery products

9. (1) After landing, or where appropriate after first sale, the fishery products shall be transported to their destination without delay at a temperature of 0°C to 5°C.

(2) Notwithstanding sub-regulation (1), where the transportation of the fishery products to their destination without delay is not possible, they shall be kept in cold rooms maintained at a temperature of 0°C to 5°C.

(3) The general conditions of hygiene laid down in regulations 12 and 13 shall apply with the necessary modifications to the markets in which fishery products are displayed for sale or stored.

(4) The wholesale markets in which fishery products are displayed for sale shall be subject to the same conditions as those laid down in regulation 10 (d), (j) and (k).

(5) The general conditions of hygiene laid down in regulations 12 and 13 shall apply mutatis mutandis to wholesale markets.

PART V

GENERAL STANDARDS OF HYGIENE

DIVISION 1

General Standards for Fish Processing Establishments on Land

Minimum facilities

10. A fish processing establishment situated on land shall have the following minimum facilities:

(a) (i) working areas of sufficient size for work to be carried out under adequate hygienic conditions, and

(ii) the design of the working areas shall be of a kind to prevent contamination of the fishery product, and the clean and contaminated parts of the building shall be kept separate;

(b) in areas where products are handled, prepared and processed -

(i) waterproof flooring that is easy to clean and disinfect and laid down in a manner to facilitate the drainage of water, or provided with equipment to remove water,

(ii) walls that have smooth surfaces and are durable, impermeable and easy to clean,

(iii) ceilings or roof linings that are easy to clean,

(iv) doors of durable material that are easy to clean,

(v) adequate ventilation and, where necessary, good steam and water-vapour extraction facilities,

(vi) adequate natural or artificial lighting,

(vii) an adequate number of facilities for cleaning and disinfecting hands,

(viii) in work rooms and lavatories, taps must not be hand operable, and such facilities shall be provided with single use hand towels and brushes,

(ix) facilities for cleaning plant, equipment and utensils;

(c) in cold rooms where fishery products are stored -

(i) the provisions set out in paragraphs (b) (i), (ii), (iii), (iv) and (v) shall apply,

(ii) where necessary, a sufficiently powerful refrigeration plant to keep the fishery products at the temperatures prescribed in these Regulations;

(d) appropriate facilities for protection against pests such as insects, rodents and birds;

(e) instruments and working equipment such as cutting tables, containers, conveyor belts and knives made of corrosion-resistant materials that are easy to clean and disinfect;

(f) special watertight, corrosion-resistant containers for fishery products not intended for human consumption, and premises for the storage of those containers if they are not emptied at the end of the day;

(g) (i) facilities to provide adequate supplies of potable water or clean sea water treated by an appropriate system under adequate pressure and in sufficient quantity,

(ii) notwithstanding sub-paragraph (i), a supply of non-drinking water is permissible for the production of steam, fire-fighting and the cooling of refrigeration equipment, provided that the pipes installed for those purposes shall preclude the use of such water for other purposes and shall present no risk of contamination of the fishery products, and

(iii) non-drinking water pipes shall be clearly distinguished from those used for drinking water or clean sea water;

(h) hygienic waste water disposal system;

(i) (i) an adequate number of changing rooms with smooth, waterproof, washable walls and floors, wash basins and flush lavatories which shall not open directly onto the work rooms, and

(ii) the wash basins, which shall not be hand-operable, shall have materials and disposable towels for cleaning the hands;

(j) if the volume of products treated requires regular or permanent presence, an adequately equipped room for the exclusive use of the inspection service;

(k) (i) adequate facilities for cleaning and disinfecting means of transport,

(ii) notwithstanding sub-paragraph (i), such facilities shall not be compulsory if there is a requirement for the means of transport to be cleaned and disinfected at facilities officially authorized by the Competent Authority.

Conditions for keeping live animals

11. Fish processing establishments keeping live animals such as crustaceans and fish shall have appropriate fittings ensuring their best survival conditions and shall be provided with water of a quality that will prevent harmful organisms or substances from being transferred to the animals.

DIVISION 2

General Standards of Hygiene Applicable to Premises and Equipment

Standards of cleanliness

12. (1) All floors, walls and partitions, ceilings or roof linings; and equipment and instruments used for working on fishery products, shall be kept in a satisfactory state of cleanliness and repair so that they do not constitute a source of contamination for the fishery products.

(2) Rodents, insects and other vermin shall be regularly and systematically exterminated from the premises or the equipment.

(3) Rodenticides, insecticides, disinfectants, and other potentially toxic substances shall be stored in premises or cupboards that can be locked and their use must present no risk of contamination of the fishery products.

(4) Working areas, instruments and working equipment shall be used only for work on fishery products, except where the Competent Authority authorises their use on other food.

(5) Potable water or clean sea water shall be used for all purposes.

(6) Non-drinking water may be used for activities such as steam production, fire-fighting and the cooling of refrigeration equipment subject to the requirement that the pipes installed for these activities shall preclude the use of such water for other purposes and shall present no risk of contamination of the fishery products.

(7) Detergents, disinfectants and similar substances shall be approved for use by the Competent Authority and shall be used in a manner that will prevent adverse effects to the machinery, equipment and fishery products.

DIVISION 3

General Standards of Hygiene Applicable to Staff

Hygiene standards for staff

13. The highest possible standards of cleanliness shall be required of staff at all times, and specifically:

(a) staff who handle exposed fishery products shall wear suitable clean working clothes and headgear which encloses the hair;

(b) staff who handle and prepare fishery products shall be required to wash their hands at least each time work is resumed;

(c) where there is a wound on the hands of a member of staff, the hands shall be covered by a waterproof dressing;

(d) smoking, spitting, eating and drinking in work and storage premises shall be strictly prohibited;

(e) an employer shall take adequate steps to prevent an employee who may contaminate fishery products from working on and handling them, until there is evidence that the employee can do so without risk of contaminating the fishery products;

(f) when recruited, and before confirmation of employment, employees shall be required to prove by a medical certificate that there is no impediment to their working on, and handling fishery products in the establishment; and

(g) the medical supervision of an employee of an establishment shall be governed by the relevant law in force.

PART VI

STANDARDS FOR HANDLING FISHERY PRODUCTS ON LAND

Standards for chilled fishery products

14. (1) Where chilled, unpackaged fishery products are not dispatched, prepared or processed immediately after reaching an establishment, the person responsible for the fish processing establishment shall ensure that they are stored or displayed under ice in the fish processing establishment's cold room where re-icing shall be carried out as often as is necessary to retain the temperature of the fishery products at 0°C to 5°C.

(2) The ice used whether, with or without salt, shall:

(a) be made from potable water or clean sea water; and

(b) be stored under hygienic conditions in receptacles which shall be kept clean and in a good state of repair for that purpose.

(3) Prepackaged fresh fishery products shall be chilled with ice or by a mechanical refrigeration plant capable of creating similar temperature conditions.

(4) If heading and gutting are not carried out on board a fishing vessel, those operations shall be carried out hygienically, and the fishery products shall be washed thoroughly with potable or clean sea water immediately after the operations.

(5) Operations such as filleting and slicing shall:

(a) be carried out in a manner to avoid contamination or spoilage of the fillet and the slices; and

(b) in a place other than that used for heading and gutting operations.

(6) Fillets and slices shall:

(a) not remain on work tables longer than is necessary for their preparation;

(b) be protected from contamination; and

(c) be chilled as quickly as possible after preparation for sale as fresh fishery products.

(7) Where guts and other parts of fish may constitute a danger to public health, they shall be separated and removed from the areas that are near to the fishery products intended for human consumption.

(8) Containers used for the dispatch or storage of fresh or chilled fishery products shall:

(a) be designed so as to ensure their protection from contamination and their preservation under sufficiently hygienic conditions; and

(b) provide adequate drainage for melt water.

(9) Waste shall be placed in leak-proof covered containers that are easy to clean and disinfect unless special facilities are provided for their continuous disposal.

(10) All measures shall be taken to prevent waste from accumulating in working areas by removing of the waste either continuously or immediately after the containers are full.

(11) The waste containers shall be placed in premises designated for their storage, at least at the end of the working day.

(12) Satisfactory measures shall be put in place to ensure that any container, receptacle or premise set aside for waste shall be thoroughly cleaned and if necessary, disinfected after use, so as not to contaminate or pollute the fish processing establishment and its surroundings.

Standards for frozen fishery products

15. (1) Refrigeration plants shall have:

(a) freezing equipment that are sufficiently powerful to achieve a rapid reduction in the temperature, to ensure that a temperature of -18°C or below for frozen fishery products may be obtained in the fishery products; and

(b) freezing equipment that are sufficiently powerful to keep frozen fishery products in storage rooms at a temperature not exceeding -18°C, whatever the ambient temperature may be.

(2) Notwithstanding the provisions contained in sub-regulation (1), for technical reasons related to:

(a) the method of freezing;

(b) the handling of frozen fishery products; and

(c) whole fish frozen in brine and intended for canning,

higher temperatures than those prescribed are acceptable but shall not exceed -9°C.

(3) All fresh products which are to be frozen or quick frozen shall comply with the requirements contained in regulation 14.

(4) Frozen storage rooms shall be equipped with a temperature-recording device in a place where it can be easily read.

(5) The sensor of the record shall be located in the area furthest away from the cold source or where the temperature in the storage room is the highest.

Standards for thawing products

16. Establishments where thawing operations are carried out shall meet the following requirements:

(a) fishery products shall be thawed under hygienic conditions to avoid their contamination and there must be adequate drainage for any melt water produced;

(b) adequate measures shall be taken to ensure that during thawing, the temperature of the fishery product does not increase excessively;

(c) after thawing, fishery products shall be handled in accordance with the requirements of these Regulations;

(d) when fishery products are prepared or processed after thawing, these operations shall be carried out without delay; and

(e) if fishery products are placed directly on the market, particulars relating to the thawed state of the fish shall be clearly marked on the packaging.

Standards for processed fishery products

17. (1) Fresh, frozen and thawed products used for processing shall comply with regulations 14, 15 and 16.

(2) Where:

(a) the processing treatment is carried out to inhibit the development of pathogenic micro-organisms; or

(b) the processing treatment is a significant factor in the preservation of the fishery product,

that treatment shall be subject to the approval of the Competent Authority.

(3) The person responsible for the fish processing establishment shall:

(a) keep a register of the processing activities carried out;

(b) monitor and control, depending on the type of process employed, -

(i) heating time and temperature,

(ii) salt content,

(iii) p.H.,

(iv) water content, and

(v) other relevant variables;

(c) keep records for at least the expected storage life of the fishery products; and

(d) make records available to the Competent Authority.

(4) For products that are preserved for a limited period by treatment such as salting, smoking, drying or marinating, the appropriate conditions for storage shall be clearly marked on the package.

Canning

18. (1) The following additional standards shall be complied with in respect of fishery products that have been subjected to sterilization in hermetically sealed containers:

(a) the water used for the preparation of the cans shall be potable water;

(b) the process used for heat treatment shall be appropriate and shall take account of criteria such as the heating time, the temperature, filling, size of container and other criteria, a record of which must be kept;

(c) heat treatment shall be capable of destroying and deactivating pathogenic organisms and the spores of pathogenic micro-organisms;

(d) heating equipment shall be fitted with devices for verifying whether the containers have actually undergone appropriate heat treatment;

(e) incubation shall be carried out at 37°C for seven days or at 35°C for ten days, or any other equivalent combination;

(f) potable water shall be used to cool containers after heat treatment without prejudice to the presence of any chemical additives used in accordance with good technological practice to prevent corrosion of the equipment and containers.

(2) The following checks shall be carried out at random by the manufacturer to ensure that the processed products have undergone appropriate heat treatment:

(a) incubation tests;

(b) micro-biological examinations of contents and containers in the establishment's laboratory or in another approved laboratory;

(c) taking daily production samples at predetermined intervals to ensure the efficacy of sealing or of any other method of hermetic closure using appropriate equipment for the examination of cross sections of the can-seams;

(d) examining containers to ensure that they are not damaged; and

(e) assigning a batch identification mark to all containers which have undergone heat treatment under practically identical conditions.

Smoking

19. (1) Smoking of fish shall be carried out in premises separate from where fishery products are prepared, processed or stored or in a special place equipped, if necessary, with a ventilation system to prevent the smoke and heat produced by combustion from affecting other premises or places where fishery products are prepared, processed or stored.

(2) Pursuant to sub-regulation (1), the following requirements shall be observed and carefully monitored:

(a) materials used to produce smoke for the smoking of fish shall be stored away from the place of smoking and shall be used in an acceptable manner to avoid contaminating the fishery products;

(b) the burning of wood that has been painted, varnished, blued or has undergone any chemical preservation treatment to produce smoke shall be prohibited; and

(c) after fishery products have undergone the process of smoking, they shall be cooled rapidly to the temperature required for their preservation before being packaged.

Salting

20. (1) Salting operations shall:

(a) take place in different premises from where other operations are carried out; and

(b) be sufficiently removed from the premises where other operations are carried out.

(2) Salt used in the treatment of fishery products shall be clean, stored in a manner to preclude contamination of the fishery products and shall not be reused.

(3) Any container used for salting or brining shall:

(a) be constructed in a manner to prevent contamination during the salting or brining process; and

(b) be thoroughly cleaned before use.

Cooked crustacean and molluscan shell fish products

21. (1) Crustaceans and molluscan shell fish shall be cooked using potable or clean sea water followed by rapid cooling and where no other method of preservation is used, the cooling shall continue until the temperature approaching that of melting ice is reached.

(2) Shelling or shucking shall be carried out under hygienic conditions to avoid contaminating the fishery product.

(3) Where the operations referred to in sub-regulation (2) are done by hand, workers shall ensure that they wash their hands and that all working surfaces and machines, if used, are thoroughly cleaned at frequent intervals and disinfected after each working day.

(4) After shelling or shucking, cooked products shall:

(a) immediately be frozen or kept chilled at a temperature that will preclude the growth of pathogens; and

(b) be stored in appropriate premises.

(5) Every manufacturer shall carry out micro-biological checks on his own production at regular intervals to ensure compliance with the prescribed standards by the Regulations.

Mechanically recovered fish flesh

22. The mechanical recovery of fish flesh shall be carried out under the following conditions:

(a) mechanical recovery of gutted fish shall take place without undue delay after filleting, using raw materials that are free of guts and where whole fish are used, they shall be gutted and washed before they are used;

(b) the machinery shall be cleaned at frequent intervals and at least every two hours when in use; and

(c) after recovery, mechanically recovered fish flesh shall be frozen as quickly as possible or incorporated in a product intended for freezing or stabilizing treatment.

Precautionary measures to be taken concerning parasites

23. (1) Fish and fish products shall be subject to visual inspection before they are released for human consumption for the purpose of detecting and removing any parasites that are visible during production.

(2) Any fish or parts of fish that are withdrawn as a result of their being infested with parasites shall not be placed on the market for human consumption.

(3) The fish and fish products:

(a) referred to in sub- regulation (4) which are to be consumed as they are shall also be subjected to freezing at a temperature of not more than -20°C in all parts of the product for not less than 24 hours;

(b) that are subjected to the freezing process mentioned in paragraph (a) shall be either raw or finished.

(4) Fish and fish products that are subject to the condition in sub-regulation (3) are:

(a) fish that are to be consumed raw or nearly raw;

(b) fish that undergo a cold smoking process in which the internal temperature of the fish is less than 60°C;

(c) marinated and salted fish products where this process is insufficient to kill the larvae of nematodes.

(5) Manufacturers shall ensure that fish and fish products listed in sub-regulation (4) or the raw materials for use in their manufacture are subjected to the treatment described in sub-regulation (3) prior to their release for consumption.

(6) The fishery products listed in sub-regulation (4) shall be accompanied by a document from the manufacturer stating the type of process they have undergone when they are placed on the market.

PART VII

HEALTH CONTROL AND MONITORING OF PRODUCTION CONDITIONS

DIVISION 1

Monitoring of Production Standards

General monitoring

24. (1) The Competent Authority shall make adequate arrangements for checking and monitoring to ensure that the provisions of these Regulations are complied with.

(2) The arrangements mentioned in sub-regulation (1) shall include:

(a) a thorough check on which fishing vessels shall be carried out during the stay of these vessels in port;

(b) a check on the conditions of landing and first sale;

(c) regular inspections of establishments to verify -

(i) whether the conditions for approval are being fulfilled,

(ii) whether fishery products are handled correctly, and

(iii) whether cleanliness of the premises, facilities, instruments and staff hygiene is maintained or observed;

(d) an inspection of any wholesale and auction markets; and

(e) a check on storage and transport conditions.

(3) For the purposes of sub-regulation (2) (a) and (c), the inspection checklists set out in Form 2 of the Second Schedule and the Fourth Schedule may be used as guidelines for such inspections.

DIVISION 2

Special Checks

Monitoring requirement

25. (1) A person shall not place on the market any fishery products unless they have been subjected to the health control and monitoring procedures contained in this Part.

(2) The Competent Authority shall carry out inspections in respect of fishery products :

(a) at the time of landing;

(b) before the first sale; and

(c) during the stages of preparation, processing, storage and transport,

to check whether the fishery products are fit for human consumption on the domestic or export market.

(3) The inspection referred to in sub-regulation (2) shall consist of an organoleptic check by way of sampling.

(4) Where an organoleptic examination reveals that fishery products are not fit for human consumption, the Competent Authority shall ensure that measures are taken without delay to withdraw them in a manner which renders their reuse impossible.

(5) If an organoleptic examination reveals doubt as to the freshness of the fishery product, chemical checks or micro-biological analyses shall be carried out on those fishery products.

Parasite checks

26. (1) Before fish or fish products are released from production for human consumption, they shall be subject to a visual inspection by means of a sample for the purpose of detecting any parasites that may be visible.

(2) Any fish or parts of fish that are withdrawn as a result of their being infested with parasites shall not be placed on the market for human consumption.

Chemical checks and their limits

27. (1) Where it is necessary for chemical checks to be carried out on fishery products, samples shall be taken and subjected to laboratory analysis for the control of the following parameters:

(a) (Total Volatile Basic Nitrogen (TVB-N) and Trimethylamine-Nitrogen (TMA-N); and

(b) Histamine.

(2) The level of the parameters specified in sub-regulation (1) (a) shall be specified for each category of species in accordance with the requirements of the destination market.

(3) Pursuant to sub-regulation (1) (b), samples shall be drawn and tested for histamine content and nine samples shall be taken from each batch which shall meet the following requirements:

(a) the mean value shall not exceed 100 parts per million (ppm);

(b) two samples may have a value of more than 100 ppm but less than 200 ppm; and

(c) no sample may have a value exceeding 200 ppm.

(4) The limits referred to in sub-regulation 3 (a) to (c) shall apply only to species of fish belonging to the following families -

(a) scombridae;

(b) clupeidae;

(c) engraulidae; and

(d) coryphaenidae.

(5) Notwithstanding sub-regulation (4) it shall be acceptable for fish belonging to the families listed in paragraphs (a) to (d), which may have undergone enzyme ripening treatment in brine, to have higher histamine levels, provided that they do not exceed more than twice the values specified in sub-regulation (3).

(6) Examinations conducted under this regulation shall be carried out in accordance with reliable, scientifically recognized methods such as high performance liquid chromatography (H.P.L.C.).

No contaminants in aquatic environment

28. (1) Without prejudice to any laws concerning water protection and management and pollution of the aquatic environment, the Competent Authority shall take adequate measures to establish a monitoring system to regularly check the level of pollution of the aquatic environment.

(2) Fishery products shall not contain in their edible parts contaminants present in the aquatic environment including:

(a) heavy metals; and

(b) organo-chlorinated substances,

at a level that causes the calculated dietary intake to exceed the acceptable

daily or weekly intake for humans.

Micro-biological analyses

29. (1) The Competent Authority shall, whenever necessary, ensure that samples of fishery products are drawn and tested for micro-biological parameters to protect public health.

(2) Pursuant to sub-regulation (1) sampling plans, methods of analysis and acceptance criteria shall be in accordance with Codex guidelines or the specific requirements of the importing country.

PART VIII

PACKAGING

Requirement of adequate packaging

30. A person shall not place on the market any fishery products unless they have been appropriately packaged in accordance with the requirements of the intended market.

Avoidance of contamination

31. The Competent Authority shall ensure that packaging is done under satisfactory conditions of hygiene in order to prevent contamination of the fishery products.

Compliance with rules of hygiene

32. (1) Packaging materials and products which are likely to come into contact with fishery products shall conform strictly to the general rules of hygiene.

(2) Packaging materials and products shall :

(a) not be of a type to impair the organoleptic characteristics of the fishery products;

(b) not be capable of transmitting to the fishery products substances harmful to human health; and

(c) be satisfactorily strong to protect the fishery products adequately.

Packaging materials not to be recycled

33. Packaging materials shall not be reused except for containers made of impervious, smooth, corrosion-resistant material that is easy to clean and disinfect and shall only be reused after the cleaning and disinfecting process.

Storage of unused materials

34. Unused packaging materials shall be stored in places away from the production areas and shall be protected from dust and contamination.

PART IX

IDENTIFICATION MARKS

Labelling requirement

35. (1) A person shall not place any fishery products on the market unless it is possible to trace by means of labelling or the accompanying documents for inspection purposes, the fish processing establishment of dispatch relating to consignments of the fishery products.

(2) Pursuant to sub-regulation (1), the following information shall appear on the packaging, or in the case of a non-packaged product, in the accompanying document:

(a) the country of dispatch, which may be written out in full or shown as an abbreviation using capital letters;

(b) identification of the fish processing establishment by its official approval number;

(c) in the case of marketing from a freezer vessel, the identification number of the vessel; and

(d) in the case of separate registering of auction or wholesale markets, the registration number of that auction or wholesale market.

(3) All the letters and figures shall be fully legible and grouped together on the packaging in a place where they are visible from the outside without any need to open the packaging.

PART X

STORAGE AND TRANSPORT

Mandatory storage and transport conditions

36. A person shall not place on the market any fishery products unless they have been stored and transported under satisfactory conditions of hygiene.

Required temperatures during storage and transport

37. (1) Fishery products shall, during storage and transport, be kept at the temperatures specified in these Regulations, and in particular:

(a) fresh or thawed fishery products and cooked and chilled crustacean and molluscan products shall be kept at a temperature approaching that of melting ice;

(b) frozen fishery products with the exception of fish frozen in brine intended for the manufacture of canned foods

shall-

(i) be kept at an even temperature of -18°C or less in all parts of the products, and

(ii) allow for the possibility of brief upward fluctuations of not more than 3°C during transport.

(2) Processed products shall be kept at the temperatures specified by the manufacturer.

Grant of derogation

38. Where:

(a) frozen fishery products are transported from a cold storage plant to an approved fish processing establishment to be thawed on arrival for the purposes of either preparation or processing; and

(b) the distance to be covered is short, not exceeding 50 km, or one hour's journey,

the Competent Authority may grant a derogation from the conditions set out in regulation 37 (1) (b).

Frozen products to be stored and transported separately

39. (1) Frozen fishery products shall not be stored or transported with other products that are likely to contaminate them or affect their hygiene, unless they are adequately packaged to provide satisfactory protection.

(2) Vehicles used for the transport of fishery products shall be constructed and equipped in a manner that permits the maintenance of the temperatures set out in these Regulations throughout the period of transport.

(3) Where ice is used to chill the fishery products in the vehicles, adequate drainage shall be provided to ensure that water from melted ice does not stay in contact with the fishery products.

(4) The inside surfaces of the means of transport shall be:

(a) smooth;

(b) easy to clean and disinfect; and

(c) finished in such a way that they do not adversely affect the fishery products.

(5) All means of transport for conveying fishery products shall not be used for transporting other products likely to impair or contaminate the fishery products, except where the fishery products which are to be conveyed can be safeguarded against contamination by the thorough cleaning and disinfecting of such transport immediately prior to conveying the fishery products.

(6) Fishery products shall not be transported in a vehicle or container which is not thoroughly cleaned or disinfected.

(7) Fishery products which are intended to be placed on the market alive shall not be conveyed by transport where the sanitary conditions of such transport are unsatisfactory and likely to adversely affect the fishery products.

PART XI

AQUACULTURE PRODUCTS AND FORBIDDEN FISH

Requirements for marketing aquaculture products

40. A person shall not place aquaculture products on the market which do not meet the following requirements:

(a) they were slaughtered under appropriate conditions of hygiene and, in particular -

(i) they were not soiled with earth, slime or faeces, and

(ii) if not processed immediately after being slaughtered, they are kept chilled, and

(b) they comply with the provisions laid down in Parts V and XII.

Live fishery products on market

41. A person with control over the survival conditions of a fishery product which is to be placed on the market alive shall ensure that it is at all times kept under conditions most suitable for its survival.

Fishery products not to be placed on market

42. A person shall not place on the market any of the following:

(a) poisonous fish of the following species -

(i) tetraodontidae,

(ii) molidae,

(iii) diodontidae, or

(iv) canthigasteridae,

(b) fishery products containing biotoxins including ciguatera or muscle paralyzing toxins.

PART XII

APPROVAL OF FISH PROCESSING ESTABLISHMENTS

Application to Competent Authority

43. A person who wishes to operate a fish processing establishment shall apply for a licence from the Competent Authority in Form 1 of the Second Schedule and shall pay the application fee specified in the First Schedule.

Conditions for approval by Competent Authority

44. (1) The Competent Authority may approve any place as a fish processing establishment if it is satisfied:

(a) that the place meets the requirements set out in these Regulations;

(b) in the case where the operator is an individual, that he -

(i) is over the age of eighteen years, and

(ii) is not an undischarged bankrupt,

(c) in the case where the operator is a body corporate, that a resolution has not been passed against it for its voluntary winding up or an order has not been made by a court of competent jurisdiction for its winding up; and

(d) that the grant of a licence would be consistent with the fisheries management and development plan provided for in section 4 of the principal Act.

Supplementary provisions about approval

45. (1) If the Competent Authority intends to refuse an application made under regulation 43 or in any other case where it considers it reasonable to do so, it may give to the applicant an opportunity to make oral representations on a date within 1 month of its decision on any matters specified in writing which it considers relevant to its final determination.

(2) Before finally considering an application the Competent Authority may in writing require an applicant to provide supplementary written information within a time specified by the Competent Authority to enable it to properly consider the application.

Result of application

46. (1) The Competent Authority shall notify an applicant in writing of the results of the application and in the case of a refusal, reasons for the refusal.

(2) Where an application is approved, the applicant shall pay the annual licence fee specified in the First Schedule.

(3) Every licence issued to an operator of a fish processing establishment shall be in the form specified in the Third Schedule.

(4) Where an application is approved and the licence is granted the Competent Authority shall:

(a) designate the fish processing establishment by a unique approval number; and

(b) notify the applicant of the approval number allocated.

Unauthorized activities

47. An operator of a fish processing establishment shall not carry out any activities other than those for which the licence was granted without the specific approval of the Competent Authority.

Revocation of approval

48. The Competent Authority may revoke a licence granted by it in respect of a fish processing establishment if it is satisfied:

(a) that there is a failure to comply with these Regulations or any conditions set out in a licence;

(b) that the application for the licence contains or is based on false or misleading representation or information which is false in a material particular.

Right of appeal

49. Any person who is aggrieved by the refusal or revocation of an approval for a licence may appeal to the High Court.

Certification of fishery products

50. The Competent Authority shall on request from the processor or exporter, issue a health or veterinary certificate on the prescribed form, after satisfying itself that the fishery products are prepared, processed and stored in an approved fish processing establishment having a valid approval number, and that the fishery products conform to the health requirements of the destination country.

Inspection and monitoring

51. The Competent Authority shall:

(a) make adequate arrangements for the inspection and monitoring of fish processing establishments; and

(b) have free access to all parts of fish processing establishments in order to ensure compliance with the provisions of these Regulations.

PART XIII

HAZARD ANALYSIS, CRITICAL CONTROL POINTS, AND OWN-CHECKS SYSTEM

Interpretation

52. For the purposes of this Part:

"critical control point" means any point, step or procedure at which control can be applied, and a food safety hazard can be prevented, eliminated or reduced to acceptable levels, and is specific to each fish processing establishment depending on the raw materials it uses and on its manufacturing, processes, structures, equipment, end products and marketing system;

"monitoring and checking critical control points" includes all those set observations or measurements necessary to ensure that critical control points are kept under control but does not include verifying that end products conform with the standards laid down in these Regulations;

"own-checks" means all those actions aimed at ensuring and demonstrating that a fishery product satisfies the requirements of these Regulations, such actions corresponding to an approach internal to the fish processing establishment and the persons responsible to each production establishment.

Production of fishery products to comply with prescribed standards

53. (1) An operator of a fish processing establishment, shall take all necessary measures to ensure that at all stages of the production of fishery products, the prescribed standards are complied with.

(2) An operator of a fish processing establishment shall, subject to sub-regulation (1), carry out own-checks based on the principles of Hazard Analysis Critical Control Points system which shall include:

(a) the identification of critical control points in the fish processing establishment on the basis of the manufacturing process used;

(b) the establishment and implementation of methods for monitoring and checking the critical points;

(c) taking samples for analysis in a laboratory approved by the Competent Authority for the purposes of checking -

(i) the efficacy of cleaning and disinfection methods,

(ii) compliance with the standards established in these Regulations, and

(d) keeping written records, or records registered in an indelible manner of the requirements set out in those Regulations for the purpose of submitting them to the Competent Authority.

(3) The provisions relating to the establishment and implementation of methods for monitoring and checking the critical points referred to in sub-regulation (2) (b) are contained in Part II of the Appendix to these Regulations.

Measures for sampling programme

54. (1) An operator of a fish processing establishment shall, pursuant to regulation 53 (2) (c), put in place provisions for a sampling programme, which though not extending systematically to every production batch, shall allow for:

(a) validation of the own-checks system when first set up;

(b) revalidation where necessary of the system in case of a change to the characteristics of the product or manufacturing process; and

(c) verification at specified intervals to ascertain whether provisions are still appropriate and are properly applied.

(2) The purpose of sampling for laboratory analysis referred to in regulation 53 (2) (c) shall be to confirm whether the own-checks system complies effectively with the provisions of regulation 52.

(3) Own-checks system shall be confirmed in accordance with the provisions set out in Part III of the Appendix to these Regulations.

(4) The Competent Authority shall, in approving laboratories mentioned in regulation 53 (2) (c), take into account the requirements of EN45001 standard or equivalent requirements, except that the Competent Authority may consider less restrictive principles, when considering approval for internal laboratories of a fish processing establishment.

Implementation and verification of own checks

55. (1) A person shall, pursuant to the requirement contained in regulation 53 (2) (d), document all information relating to the implementation of own-checks and their verification.

(2) The documentation referred to in sub-regulation (1) shall include two types of information which must be kept for onward transmission to the Competent Authority.

(3) The first type of information shall be a detailed and comprehensive document including:

(a) a description of the product;

(b) a description of the manufacturing process indicating Critical Control Points;

(c) an assessment of risks and control measures for each critical control point and identified hazards;

(d) procedures for monitoring and checking at each critical control point with indication of critical limits for parameters that need to be controlled, and corrective action to be taken in case of loss of control; and

(e) procedures for verification and review.

(4) The second type of information shall include:

(a) records of the observations or measurements referred to in regulation 52;

(b) results of the verification activities referred to in regulation 54 (1); and

(c) reports and written accounts of decisions relating to the corrective action when taken.

(5) An appropriate document management system shall be set up to provide for information generally, and more particularly, for the easy retrieval of all documents relating to an identified production batch.

Threat to health

56. Where the results of own-checks or any information at the disposal of the operator of a fish processing establishment reveal an existing or potential risk to health, appropriate measures shall be taken by the operator to rectify the risk under the supervision of the Competent Authority.

Record of results

57. The results of all checks and tests shall be kept for a period of at least two years.

Trained staff

58. A fish processing establishment shall have an adequate number of technical staff members trained or qualified in Hazard Analysis Critical Control Points System to carry out own-checks and allied duties to ensure food safety.

PART XIV

COMPETENT AUTHORITY

Responsibilities of Competent Authority

59. (1) The responsibilities of the Competent Authority shall include:

(a) the tasks, duties and responsibilities specified in the Fisheries Act;

(b) establishing and implementing the standards for fish and fishery products specified in these Regulations and otherwise.

(2) The organigram of the Competent Authority shall be the Fisheries Division.

PART XV

MISCELLANEOUS

Offences

60. A person who contravenes any provisions of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

Repeal

Cap. 52,
Booklet 2

No. 2 of 2001

61. The following are repealed:

(a) in the Fisheries Regulations -

(i) Part III,

(ii) the Eighth Schedule,

(iii) the Ninth Schedule;

(b) the Fish and Fishery Products Regulations.

APPENDIX

RULES FOR THE APPLICATION OF HAZARD ANALYSIS, CRITICAL CONTROL POINTS AND OWN-CHECKS SYSTEM

PART I

Identification of Critical Control Points

It is recommended to proceed to the following activities in sequence:

1. Assembly of a Multi-Disciplinary Team

(1) This team, which involves all parts of the enterprise concerned with the fishery product, shall include persons with knowledge of:

(a) the whole range of specific knowledge and expertise appropriate to the fishery product under consideration;

(b) its production, manufacture, storage and distribution; and

(c) its consumption and the associated potential hazards.

(2) Where necessary, the team may be assisted by the following specialists who will help it to solve its difficulties as regards assessment and control of Critical Control Points:

(a) a quality control specialist who understands the biological, chemical or physical hazards connected with a particular fishery product group;

(b) a production specialist who has responsibility for, or is closely involved with, the technical process of manufacturing the fishery product under study;

(c) a technician who has a working knowledge of the hygiene and operation of the process plant and equipment; and

(d) any other person with specialist knowledge of micro-biology, hygiene and food technology.

(3) One person may fulfil several of the roles mentioned in this Item provided all relevant information is available to the team and is used to ensure that the own-check system developed is reliable. Where expertise is not available in the establishment, advice should be obtained from other sources (consultancy, guides of good manufacturing practices, etc.).

2. Description of the Product

The end product should be described in terms of:

(a) composition (e.g. raw materials, ingredients, additives, etc.);

(b) structure and physico-chemical characteristics (e.g. solid, liquid, gel, emulsion, Aw, pH. etc.);

(c) processing (e.g. heating, freezing, drying, salting, smoking, etc., and to what extent);

(d) packaging (e.g. hermetic, vacuum, modified atmosphere);

(e) storage and distribution conditions;

(f) required shelf life (e.g. sell by date and best before date);

(g) instructions for use; and

(h) any micro-biological or chemical criteria applicable.

3. Identification of Intended Use

The multidisciplinary team may define the normal or expected use of the fishery product by the customer and the consumer target groups for which the fishery product is intended. In specific cases, the suitability of the fishery product for particular groups of consumers, such as:

(a) institutional caterers;

(b) travellers, etc.; and

(c) vulnerable groups of the population,

may have to be considered.

4. Construction of a Flow Diagram (Description of Manufacturing Process)

(1) Whatever the format chosen, all steps involved in the process, including delays during or between steps, from receiving the raw materials to placing the end product on the market, through preparation, processing, packaging, storage and distribution, must be studied in sequence and presented in a detailed flow diagram with sufficient technical data.

(2) Types of data may include but are not limited to:

(a) plan of working premises and ancillary premises;

(b) equipment layout and characteristics;

(c) sequence of all process steps (including the incorporation of raw materials, ingredients or additives and delays during or between steps);

(d) technical parameters of operations (in particular time and temperature, including delays);

(e) flow of fishery products (including potential cross-contamination);

(f) segregation of clean and dirty areas (or high/low risk areas);

(g) cleaning and disinfection procedures;

(h) hygienic environment of the fish processing establishment;

(i) personnel routes and hygiene practices; and

(j) product storage and distribution conditions.

5. On-Site Confirmation of Flow Diagram

After the flow diagram has been drawn-up, the multidisciplinary team may confirm it on site during operating hours. Any observed deviation must result in an amendment of the original flow diagram to make it accurate.

6. Listing of Hazards and Control Measures

(1) Using the confirmed flow diagram as a guide, the team must:

(a) list all potential biological, chemical or physical hazards that may reasonably be expected to occur at each process step (including acquisition and storage of raw materials and ingredients and delays during manufacture). For inclusion in the list, hazards must be of a nature such that their elimination or reduction to acceptable levels is essential to the production of safe food;

(b) consider and describe what control measures, if any, exist which can be applied for each hazard.

(2) A hazard is a potential to cause harm to health and is anything covered by the hygiene objectives of these Regulations and can be any of the following :

(i) unacceptable contamination (or recontamination) of a biological (micro-organisms, parasites), chemical or physical nature of raw materials, intermediate products or final products,

(ii) unacceptable survival or multiplication of pathogenic micro-organisms

and unacceptable generation of chemicals in intermediate products, final products, production line or line environment,

(iii) unacceptable production or persistence of toxins or other undesirable products of microbial metabolism.

(3) (a) Control measures are those actions and activities that can be used to prevent hazards, eliminate them, or reduce their impact or occurrence to acceptable levels.

(b) More than one control measure may be required to control an identified hazard and more than one hazard may be controlled by one control measure. For instance pasteurization or controlled heat treatment may provide sufficient assurance of reduction of the level of both ***Salmonella*** and ***Listeria***. Control measures need to be supported by detailed procedures and specifications to ensure their effective implementation, as for example -

(i) detailed cleaning schedules,

(ii) precise heat treatment specifications, and

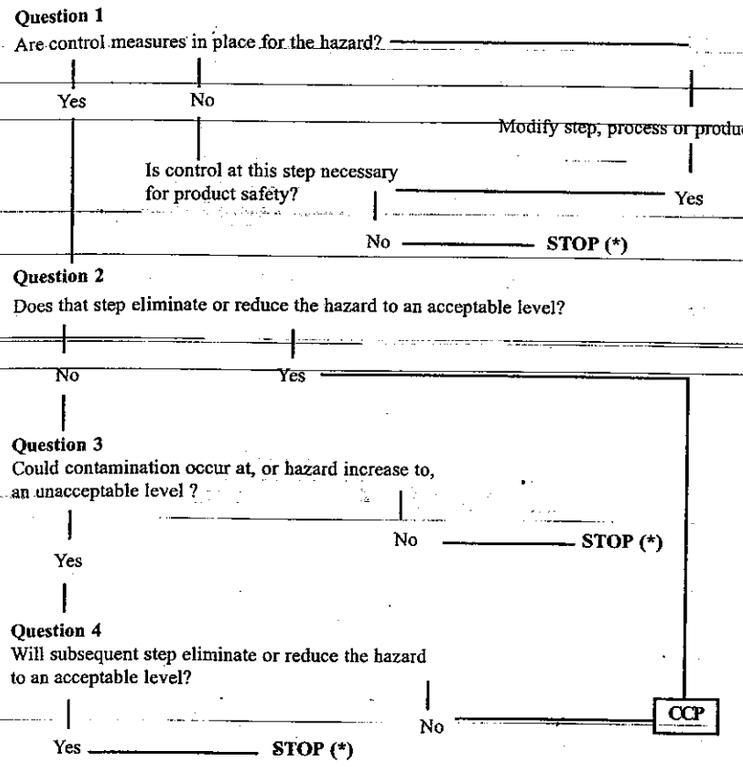
(iii) maximum concentrations of preservatives used in compliance with the applicable rules on additives of the destination markets.

7. Methods of Identification of Critical Control Points

(1) The identification of a Critical Control Point (CCP) for the control of a hazard requires a logical approach. Such an approach can be facilitated by the use of the following decision tree (other methods can be used by the team, according to their knowledge and experience):

Decision Tree for the Identification of CCP

Answer each question in sequence, at each step and for each identified hazard



(*) The step is not a **CCP**, proceed to next step.

(2) For the application of the Decision Tree, each process step identified in the flow diagram should be considered in sequence. At each step, the Decision Tree must be applied to each hazard that may reasonably be expected to occur or be introduced and each control measure identified. Application of the Decision Tree should be flexible and requires common sense, having consideration of the whole manufacturing process in order to avoid, wherever possible, unnecessary critical control points.

8. **Action to be Taken Following Identification of a Critical Control Point**

The identification of Critical Control Points has two consequences for the multi-disciplinary team which shall then:

(a) ensure that appropriate control measures are effectively designed and implemented, in particular, if a hazard has been identified at a step where control is necessary for product safety and no control measure exists at that step, or at any other, then the product or process should be modified at that step, or at an earlier or later stage, to include a control measure; and

(b) establish and implement a monitoring and checking system at each Critical Control Point.

PART II

Establishment and Implementation of Monitoring and Checking Critical Control Points

An appropriate monitoring and checking system is essential to ensure the effective control of each Critical Control Point (CCP). To develop such a system, it is recommended to proceed to the following activities:

1. **Establishment of Critical Limits for Each Control Measure Associated With Each CCP**

(1) Each control measure associated with a CCP should give rise to the specification of critical limits. Those critical limits correspond to the extreme values acceptable with regard to the product safety. They separate acceptability from unacceptability. They are set for observable or measurable parameters which can readily demonstrate that the CCP is under control. They should be based on substantiated evidence that chosen values will result in process control. Examples of such parameters include:

(a) temperature;

(b) time;

(c) p.H.;

(d) moisture level;

(e) additive;

(f) preservative or salt level;

(g) sensory parameters such as visual appearance and;

(h) texture, etc.

(2) Critical limits may be derived from a variety of sources. When not taken from regulatory standards (e.g. frozen storage temperature) or from existing and validated guides of good manufacturing practices, the team should ascertain their validity relative to the control of identified hazards and CCP's. In some cases to reduce the risk of exceeding a Critical Limit due to process variations, it may be necessary to specify more stringent levels (i.e. Target levels) to assure that critical limits are observed.

2. **Establishment of a Monitoring and Checking System for Each CCP**

An essential part of own-checks is a programme of observations or measurements performed at each CCP to ensure compliance with specified Critical Limits. The programme should describe the methods, the frequency of observations or measurements and the recording procedure. Observations or measurement must be able to detect loss of control at CCP's and provide information in time for corrective action to be taken. Observations or measurements can be made continuously or discontinuously. When observations or measurements are not continuous, it is necessary to establish a frequency of observations or measurements which provides reliable information. The programme of observations or measurements should properly identify for each CCP:

(a) who is to perform monitoring and checking;

(b) when monitoring and checking is performed;

(c) how monitoring and checking is performed.

3. **Establishment of a Corrective Plan**

(1) Observations or measurements may indicate:

(a) that the parameter monitored tends to deviate from its specified critical limits indicating a trend toward loss of control. Appropriate corrective action to maintain control must be taken before the occurrence of a hazard;

(b) that the parameter monitored has deviated from its specified critical limits, indicating a loss of control. It is necessary to take appropriate corrective action to regain control.

(2) Corrective action shall to be planned in advance by the multidisciplinary team, for each CCP so that it can be taken without hesitation when a deviation is observed. Such corrective action shall include:

(a) proper identification of the person(s) responsible for the implementation of that corrective action;

(b) description of means and action required to correct the observed deviation;

(c) action to be taken with regard to products that have been manufactured during the period when the process was out of control; and

(d) written record of measures taken.

PART III

Verification of Own-Checks System

(1) Own-checks system verification is necessary to ensure that they are working effectively. The multidisciplinary team shall specify the methods and procedures to be used. Usable methods may include in particular:

(a) random sampling and analysis;

(b) reinforced analysis or tests at selected Critical Control Points;

(c) intensified analysis of intermediate or final fishery products;

(d) surveys on actual condition during storage, distribution and sale and on actual use of the fishery product.

(2) Verification shall provide for confirmation of the suitability of the own-checks system established and ensure, afterwards, with an appropriate frequency, that the provisions laid down are still being properly applied. Verification procedures may include:

(a) inspection of operations;

(b) validation of Critical Limits;

(c) review of deviations;

(d) corrective actions and measures taken with regard to the product; and

(e) audits of the own-checks system and its records.

(3) It is necessary to review the system to ensure that it is, or will be still valid in case of change. Examples of change include:

(i) change in raw material or in product, processing conditions (factory lay out and environment, process equipment, cleaning and disinfection programme);

(ii) change in packaging, storage or distribution conditions;

(iii) change in consumer use; and

(iv) receipt of any information on a new hazard associated with the fishery product.

(4) Where necessary, a review shall result in the amendment of the provisions laid down.

(5) Any change to the own-checks system shall be fully incorporated into the documentation and record-keeping system in order to ensure that accurate up-to-date information is available.

(6) Where criteria are specified in Regulations, such criteria are to be used as reference values for the verification process.

FIRST SCHEDULE

FISHERIES DIVISION
MINISTRY OF AGRICULTURE AND FISHERIES
FISHERIES (FISH AND FISH PRODUCTS) REGULATIONS

[regulation 43, 45 (2)]

FEES FOR FISH PROCESSING ESTABLISHMENT LICENCE

Application fee for fish processing establishment licence of any kind	$ 50.00
Annual licence fee for fish processing establishment of any kind	$500.00

SECOND SCHEDULE

FISHERIES DIVISION
MINISTRY OF AGRICULTURE AND FISHERIES
FISHERIES (FISH AND FISH PRODUCTS) REGULATIONS

FORM 1

[regulation 44]

Application for a Licence to Operate a Fish Processing Establishment

Name and address of applicant: _____

Name and address of owner: _____

Name and address of lessee (if leased): _____

Name and address of premises to be certified: _____

_____

Kinds of fish to be processed: _____

_____

Source(s) of fish for processing: _____

Principal markets: EU ☐ USA ☐ Canada ☐
Caribbean ☐ Specify: _____
Other ☐ Specify: _____

Chief Fisheries Officer
Fisheries Division
Ministry of Agriculture and Fisheries

Dear Sir:

I/we _____

_____

being owner(s)/operator(s) of the above-mentioned premises hereby (applies) (apply) to the Fisheries Division for a licence to use the said establishment in accordance with the Fisheries (Fish and Fishery Products) Regulations, 2004.

The receipt for the prescribed fee of _____ dollars ($_____) is submitted with this application.

Signed _____ Date _____
(Applicant)

FORM 2

[Part II, VII]

Inspection checklist for Approval for a Licence to Operate a Fish Processing Establishment

Date: _____

General

Name of applicant: _____

Address: _____

Portfolio (Owner, lessee, other): _____ Contact Nos: _____

Name of Company: _____

Company's Address: _____

Telephone No.: _____ Fax: _____

Nature of Establishment: Fish Processing [ ] Cold Store [ ]

- For Fish Processing

  Type of processing (Please attach particulars; specify products, species processed, estimated quantity to be produced per month, target markets, etc.)

- For Cold Store (Please attach all particulars; specify all products and quantities to be stored)

Element to inspect	m	M	S/C	Score	Remarks
1. Site Is the area sufficiently large to carry out the work under sanitary and hygienic conditions? Does the layout preclude contamination? Are the clean and dirty areas separated?					

Element to-inspect	m	M	S/C	Score	Remarks
2. Fish handling and processing areas *2.1 Floors* Is the floor waterproof? Is the floor made of materials, that are easy to clean and disinfect? Is the floor laid in a way to allow for easy drainage of water or is it provided with equipment to remove water?					
2.2 Walls Are the surfaces smooth, easy to clean and disinfect? Are the surfaces durable and impermeable?					
2.3 Ceiling Is the ceiling of a smooth and washable surface that will ensure cleanliness?					
2.4 Doors Are the doors made of durable material that is impermeable and easy to clean?					
2.5 Ventilation Is the ventilation adequate? Does it allow for good extraction of moisture?					
2.6 Lighting (Natural and Artificial) Is the lighting adequate?					
2.7 Hand Cleaning and Disinfecting Facilities Are the facilities in sufficient number? Are the taps hand operated? Are detergent and disinfecting agents available? Are the facilities provided with disposable hand towels?					

Element to inspect	m	M	S/C	Score	Remarks
2.8 Facilities and Equipment for Cleaning and Disinfecting Plant Facilities, Utensils and Equipment Are they available?					
2.9 Storage Facilities for Packaging Materials Are they available? Are materials kept under hygienic conditions?					
3. Chill Rooms, Ice Rooms and Cold Stores *3.1 Floors* Is the floor waterproof? Is the floor made of materials easy to clean and disinfect? Is the floor laid down in a way to allow for easy drainage of water or is it provided with equipment to remove water?					
3.2 Walls of cold stores Are the surfaces smooth and easy to clean and disinfect? Are the surfaces durable and impermeable?					
3.3 Ceiling of cold stores Is the ceiling of a smooth, washable surface that will ensure cleanliness?					
3.4 Doors of cold stores Are the doors made of durable material? Are they easy to clean?					
3.5 Lighting in cold stores Is the lighting adequate?					
4. Freezing and chilling facilities and practices Is the refrigerator capacity adequate to ensure proper product temperature? Is the freezing capacity sufficient? Is freezing capacity sufficient to keep fish temperature at or below -18°C (whole fish frozen in brine and intended for canning at or					

Element to inspect	m	M	S/C	Score	Remarks
below -9°C)?					
Is the chiller room equipped to keep fish between 0°C to 5°C?					
Are the cold stores equipped with a temperature recording device that is easy to consult?					
Is the thermal sensitive part of the thermometer placed in the coldest area of the cold store?					
5. Instruments and working equipment (cutting boards, knives, conveyor belts, containers)					
Are they made of resistant materials?					
Are they easy to clean and disinfect?					
6. Elimination of by-products non-destined for human consumption					
Are the by-products bins equipped with adequate lids, leakproof and non-corrosive?					
Are they effectively used?					
Is there an adequate room for storage of by-products if they are not evacuated at the end of the working day at least?					
Are bins cleaned and if possible disinfected between uses?					
Is waste water properly disposed of?					
7. Protection against vermin and undisirable animals (rats, cats, dogs, insects, birds)					
Are there adequate vermin proofing and appropriate protection facilities?					
Are potentially toxic substances used in vermin and insect control properly stored?					
Are these substances approved by the Competent Authority for use in the establishment?					
8. Changing rooms and toilet facilities					
Is there an adequate number of changing rooms?					
Are the walls and floors in the changing rooms smooth, water proof and easy to clean?					

Element to inspect	m	M	S/C	Score	Remarks
Is there an adequate number of washbasins?					
Is there an adequate number of toilets?					
Do the toilets open directly onto the fish handling and processing area?					
Are toilets equipped with working water-flushing systems?					
Are hand washing and disinfecting systems available?					
Are disposable hand towels available?					
Are the wash basin taps hand operated?					
9. Cleaning and disinfection of transportation vehicles					
Is appropriate equipment for cleaning and disinfecting vehicles available?					
Is cleaning and disinfection carried out in a separate but approved structure?					
10. Water supply					
Is potable water availabe?					
Is sea water clean if used for processing?					
11. General Hygiene applicable to Staff					
Is staff properly attired (aprons, head covering, foot wear, gloves)?					
Is staff required to wash hands at least every time work is resumed?					
Is eating, drinking, smoking and spitting prohibited on the premises?					
Does each member possess a valid medical certificate?					
Total Score					

Assessment of Inspection Results

m - Minor deficiency - a condition or practice which is not in accordance with Good Manufacturing Practices, but which is not considered to be major or serious/critical deficiency.

M - Major deficiency - a condition or practice which:

(a) may inhibit general sanitation; or

(b) may result in the deterioration of the product quality, but which is not considered to be a serious/critical deficiency,

or both.

C/S - Critical/Serious deficiency - a condition or practice which:

(a) results or may result in the production of a product that is tainted, decomposed or unwholesome;

(b) presents a threat to the health and safety of the consumer; or

(c) is not in accordance with Good Manufacturing Practices.

Facility Rating	Type of Deficiency			Frequency of Visits	Max no. of follow up visits
	Minor	Major	Critical/Serious		
Level I	0-6	0-2	0	Once every 12 months	NA
Level II	0-6	3-5	0	Once every 6 months	NA
Level III	≥7	6-10	0	Once every month	2 visits totaling period of 2 months
Level IV	NA	≥11	1-2	Once every two weeks	2 visits totaling period of 4 weeks
Level V	NA	NA	≥3	Weekly	4 visits totaling period of 4 days

Explanation:

To obtain a rating of Level I, no more than 2 major nor 6 minor deficiencies could exist. If a fish processing establishment is rated at Level I, then that establishment's next routine check visit would be 12 months later, as illustrated in the table.

Notwithstanding this, the fish processing establishment would be requested to correct any deficiencies within a stipulated period as specified by the Competent Authority.

When the number of deficiencies exceeds 2 major and 6 minor, but are fewer than 7 and 10 respectively, the rating obtained will be Level II, and the next visit to that establishment would be scheduled for 6 months later. During this visit, the establishment will be required to obtain a rating of Level I.

If a fish processing establishment, having obtained a previous rating of Level II, does not achieve a rating of Level I at the end of 6 months, the licence to operate such an establishment may be revoked.

Establishments must achieve a maximum rating of Level II and above upon each annual routine check visit in order to be granted a licence to operate.

After initial application for a licence to operate, a particular fish processing establishment with a first rating of Level III - Level V has a maximum time period of 4 months to achieve a rating of Level II, and, after having obtained this, will be required to obtain a rating of Level I within a period of 4 more months, unless the Competent Authority deems it fit to allow a longer time period to the particular operators of the fish processing establishment in question.

The maximum number of follow up visits gives the fish processing establishment an allotted time frame in which it is to achieve an anterior rating level at least, then its next visit would be scheduled according to its new rating level.

THIRD SCHEDULE

FISHERIES DIVISION
MINISTRY OF AGRICULTURE AND FISHERIES
FISHERIES (FISH AND FISH PRODUCTS) REGULATIONS

[regulation 45 (3)]

Fish Processing Establishment Licence

Licence No. _____

The person or fish processing establishment _____

of _____
(address of Fish Processing Establishment)

named as the licence holder is hereby granted a licence in accordance with section 17 (1) of the Fisheries Act, to use the premises described above as an Establishment in accordance with the conditions set out in this licence and prescribed from time to time in the Fisheries (Fish and Fish Products) Regulations.

Conditions:

The species of fish authorized to be processed: _____

_____

_____

Types of processing authorised to be carried out: _____

_____

_____

Further Conditions:
1.
2.
3.

Dated this _____ day of _____ ,20___

Signed,

_____
Chief Fisheries Officer

Expiry date: _____

FOURTH SCHEDULE

FISHERIES DIVISION
MINISTRY OF AGRICULTURE AND FISHERIES
FISHERIES (FISH AND FISH PRODUCTS) REGULATIONS

[Part VII, VIII]

Inspection Checklist for First Time and Routine Inspections of Fishing Vessels

A. General

Name of vessel: Certification No.:

Name of owner: Name of quality manager:

B. Inspection Checklist

Element to inspect	m	M	S/C	Score	Remarks
1) Minimum Requirements					
1.1 Miscellaneous Is there a reception area set aside for receiving fishery product on board? Are holds or boxes large enough for each catch to be separated? Are hold or box parts easy to clean? Are products separated from the sun, dirt and other contaminants?					
1.2 Is the system for conveying products from reception area to processing area hygienic?					
1.3 Are work areas for hygienic processing sufficiently large?					
1.4 Storage facilities Is storage of products separate from preparation and processing areas? Are storage areas for finished products adequately large and easy to clean? Is there a separate hold for storage and processing of byproducts where applicable: Are there storage facilities for packaging materials?					

Element to inspect	m	M	S/C	Score	Remarks
1.5 Is there special equipment for pumping waste into the sea or watertight tank reserved for that purpose?					
1.6 Water supply Is a potable water (*) or clean seawater supply available? Is seawater intake situated away from waste water, waste and engine coolant outlets?					
1.7 Staff facilities Are changing room(s) available? Are wash basins available? Are toilet facilities available? Are appliances for cleaning, disinfecting and drying hands available?					
2) Preparation, Processing, Freezing areas					
2.1 Floors Is the floor easy to clean and disinfect? Is water easily drained from floor or is equipment available for removing water? Are draining holes large enough not to be obstructed by fish waste?					
2.2 Walls Are walls easy to clean, durable and impermeable ? Are ceilings or roof linings easy to clean? Is there a possibility of leakage of oil from hydraulic circuits onto fishery product?					
2.3 ventilation Is ventilation adequate?					
2.4 Lighting Is lighting *adequate?*					
2.5 Cleaning and disinfecting appliances and tools Are these well kept in cupboards and away from the fish? Are these resistant to seawater corrosion, easy to clean and disinfect and well maintained?					
2.6 Contamination of fish by pets or animals Is there a risk?					

Element to inspect	m	M	S/C	Score	Remarks
3. Conditions for handling fishery products					
3.1 For fresh fish Are chilled, unpackaged products stored under ice in the chill room? Are heading, gutting, slicing and filleting carried out hygienically? Are guts and parts removed from the area of products intended for human consumption? Does time of exposure of fish to temperature other than that of melting ice exceed 5 hours? Is ice carried on vessel for icing of fish? Is surface of ice hold clean, smooth and easy to clean? Does ice hold provide proper drainage of melt water or is there equipment for removing melt water from hold? Does ice hold have sufficient capacity for amount of fish caught? Is there sufficient ice available on board for amount of fish caught?					
3.2 For vessels which freeze fishery products Is the refrigeration capacity adequate to ensure proper product temperature? Is freezing capacity sufficient to keep fish temperature at or below -18°C (whole fish frozen in brine and intended for canning at or below -9°C)? Is the chiller room equipped to keep fish between 0°C and 5°C? Are the cold stores equipped with a temperature recording device easy to consult? Is the thermal sensitive part of the thermometer placed in the warmest area of the cold store? Are temperature record charts available for inspection?					
3.3 Conditions for thawing Is thawing carried out hygienically?					
3.4 Conditions for processed products Is treatment to inhibit development of pathogenic micro-organisms scientifically recognized by the law in force?					

Element to inspect	m	M	S/C	Score	Remarks
Is a record kept of the processing activities carried out; are they available for inspection by the Competent Authority?					
3.5 Where applicable, are the conditions for: - canned products - smoked products - salted products - cooked crustacean and molluscan shellfish products - mechanically recovered fish flesh adhered to according to the requirements as specified by the intended markets?					
3.6 Conditions concerning parasites Are fish and fish products subjected to a visual inspection for the purpose of detecting and removing parasites? Are infested parts placed on the market for consumption? Are products to be eaten raw or cold smoked subjected to a temperature of -20°C or lower for at least 24 hours?					
4. General Conditions of Staff Hygiene					
Do staff members handling exposed fishery products wear suitable clean working clothes and/or clean overalls? Are hands washed regularly, at least each time immediately prior to handling of fish? Are wound to the hands covered by waterproof dressing? Are any of the following done on board vessels: smoking, spitting, eating, drinking? Does the employer ensure that persons who may contaminate products are prevented from handling them until risk of contamination is removed? Are workers required to present a recent medical certificate before recruit?					
5. Waste Disposal					
Are containers used for waste storage designed in such a way to prevent contamination of products; do they provide adequate drainage of melt water? Is waste allowed to accumulate in work areas; is it properly disposed of? Are containers used for waste disposal properly cleaned after use?					
6. Overall Rating					

(*) - "potable water" means fresh water used for human consumption, the potability of which should not be lower than the appropriate standards including the standards established in the latest edition of "WHO International Standards for Drinking Water".

Assessment of Inspection Results

m - Minor deficiency - a condition or practice which is not in accordance with Good Manufacturing Practices, but which is not considered to be major or serious/critical deficiency.

M - Major deficiency - a condition or practice which:

(a) may inhibit general sanitation; and/or

(b) may result in the deterioration of the product quality, but which is not considered to be a serious/critical deficiency.

C/S - Critical/Serious deficiency - a condition or practice which:

(a) results or may result in the production of a product that is tainted, decomposed or unwholesome;

(b) presents a threat to the health and safety of the consumer; or

(c) is not in accordance with Good Manufacturing Practices.

Vessel Rating	Type of Deficiency			Penalty
	Minor	Major	Critical/Serious	
Level I	0-6	0-2	0	N/A
Level II	7-12	3-10	0	Fine + 1 week period to comply with standards
Level III	≥12	≥10	≥3	De-registration

Explanation:

To obtain a rating of Level I, no more than 6 minor, nor more than 2 major deficiencies could exist. If a vessel is rated at Level I, then that vessel's next routine check visit would be after one year.

Notwithstanding this, the vessel would be required to improve on these deficiencies before the next scheduled inspection.

When the number of deficiencies falls between 6 and 12 minor, between 2 and 10 major, and/or between 1 and 3 serious/critical, then the vessel obtains a rating of level II and the owner/operator will be liable to a fine of five thousand dollars and given a period of one week to comply with the quality standards required for operation of the vessel.

A rating of Level III would result in de-registration of the vessel.

Made this 10th day of May, 2006.

HON. MONTOGOMERY DANIEL
Minister of Agriculture, Forestry and Fisheries

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(c) the operation of the tank or container system shall secure a chilling rate which ensures that the mix of fish and sea water reaches a temperature not exceeding 3°C six hours after loading and a temperature not exceeding 0°C sixteen hours after loading;

(d) after each unloading, the tanks, circulation systems and containers shall be completely emptied and thoroughly cleaned using potable water or clean sea water, and shall only be filled with clean sea water;

(e) the date and the number of the tank shall be clearly indicated on the temperature recordings which shall be accessible to the authorised officers;

(f) owners or operators of fishing vessels shall take all measures necessary to prevent persons who may contaminate fishery products from working on and handling them, unless there is evidence that such persons can do so without risk of contaminating the fishery products;

(g) routine medical monitoring of persons working on and handling fishery products shall be governed by the applicable law in force.

(2) The Competent Authority shall maintain an up-to-date list of the fishing vessels equipped with freezing facilities or chilling facilities.

PART IV

REQUIREMENTS DURING AND AFTER LANDING

Conditions for handling fishery products

7. (1) A person shall not place on the market any fishery products unless the fishery products are handled during and after landing in accordance with the requirements contained in this Part.

(2) All adequate measures shall be taken during and after landing to avoid contamination of the fishery products by ensuring that :

(a) unloading and landing operations proceed rapidly;

(b) fishery products are placed without unnecessary delay in a protected environment at the required temperature that is consistent with the nature of the product;

(c) fishery products, where necessary, are placed as soon as possible in transport, storage or market facilities or in a fish processing establishment; and

(d) equipment and handling practices that cause unnecessary damage to the edible parts of the fishery products are not authorized for use.

(3) Unloading and landing equipment shall be:

(a) constructed of material that is easy to clean and disinfect; and

(b) always kept in a satisfactory state of repair and cleanliness.

Requirements for auction or wholesale markets

8. Parts of auction or wholesale markets where fishery products are displayed for sale shall:

(a) be covered and have walls that are easy to clean;

(b) have waterproof flooring that is easy to wash and disinfect and laid in such a way as to facilitate the drainage of water by means of a hygienic waste water disposal system;

(c) be equipped with sanitary facilities comprising an appropriate number of washbasins, flush lavatories, suitable materials for cleaning the hands and single use hand towels;

(d) be well lit to facilitate the inspection of fishery products;

(e) not be used for other purposes when used for the display or storage of fishery products;

(f) be cleaned regularly and after each sale, and in the case of crates, the cleaning and rinsing of the inside and outside shall be done with potable water or clean sea water, and where required, they shall be disinfected;