



FALKLAND ISLANDS

Fishery Products (Hygiene) Regulations 2012

(S.R. & O. No. 7 OF 2012)



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[DATE OF COMMENCEMENT: 7TH JUNE 2012¹]

PART 1 INTRODUCTION

1 Title

These regulations are the Fishery Products (Hygiene) Regulations 2012.

2 Commencement

- (1) These regulations come into force on a date appointed by the Governor by notice published in the *Gazette*.
- (2) The Governor may publish more than one notice under paragraph (1) appointing different dates for different regulations to come into force.

3 Interpretation

(1) In these regulations-

"batch" means, in relation to fishery products, a quantity of fishery products obtained under practically identical circumstances;

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

"clean" means, in relation to seawater or fresh water, that it does not contain micro-organisms, harmful substances or toxic marine plankton in quantities capable of directly or indirectly affecting the health quality of fishery products;

"clean water" means clean seawater or clean fresh water;

"consignment" means, in relation to fishery products, a quantity of them bound for one or more customers in the country of destination and conveyed at one time by one means of transport only;

"establishment" includes installation;

[S.R. & O. 8/14 w.e.f. 30/4/14.]

"factory vessel" means a vessel on board which fishery products undergo -

(a) one or more of the following operations-

- (i) filleting;
- (ii) slicing;
- (iii) skinning;
- (iv) shelling;
- (v) shucking;
- (vi) mincing; or
- (vii) processing;

(b) followed by-

- (i) wrapping or packaging; and
- (ii) if necessary, chilling or freezing;

[S.R. & O. 8/14 w.e.f. 30/4/14.]

"Falkland Islands factory vessel" means-

- (a) a factory vessel which is registered in the Falkland Islands; or
- (b) a factory vessel which is not registered in the Falkland Islands but which the Governor certifies as one that has a close economic connection with the Falkland Islands;

"Falkland Islands fishing vessel" means-

- (a) a fishing vessel which is registered in the Falkland Islands; or
- (b) a fishing vessel which is not registered in the Falkland Islands but which the Governor certifies as one that has a close economic connection with the Falkland Islands;

"Falkland Islands freezer vessel" means-

- (a) a freezer vessel which is registered in the Falkland Islands; or
- (b) a freezer vessel which is not registered in the Falkland Islands but which the Governor certifies as one that has a close economic connection with the Falkland Islands;

[S.R. & O. 8/14 w.e.f. 30/4/14.]

"fishery products establishment" means an establishment on land where fishery products intended for human consumption are prepared, processed, chilled, frozen, packaged or stored;

[S.R. & O. 8/14 w.e.f. 30/4/14.]

"freezer vessel" means a vessel on board which freezing of fishery products is carried out-

- (a) where appropriate, after preparatory work such as bleeding, heading, gutting and removal of fins; and
- (b) where necessary, followed by wrapping or packaging;

[S.R. & O. 8/14 w.e.f. 30/4/14.]

"fishery products" . . .

[S.R. & O. 8/14 w.e.f. 30/4/14.]

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

[S.R. & O. 8/14 w.e.f. 30/4/14.]

"frozen products" means fishery products that have undergone a freezing process;

"hazard" means a biological, chemical or physical agent in (or a condition of) a fishery product with the potential to cause an adverse health effect;

[S.R. & O. 8/14 w.e.f. 30/4/14.]

"hermetically sealed container" means a container that is designed and intended to be secure against the entry of hazards;

[S.R. & O. 8/14 w.e.f. 30/4/14.]

"hygiene" means the measures and conditions necessary to control hazards and to ensure fitness for human consumption of a foodstuff taking into account its intended use;

[S.R. & O. 8/14 w.e.f. 30/4/14.]

"mechanically separated fishery product" means a product obtained by removing flesh from fishery products using mechanical means resulting in the loss or modification of the flesh structure;

[S.R. & O. 8/14 w.e.f. 30/4/14.]

"operation" means filleting, slicing, skinning, shucking, mincing or processing;

"the Ordinance" means the Fishery Products Ordinance 2006;

"packaging" means-

- (a) in relation to wrapped fishery products, placing one or more of them in a second container;
- (b) the second container itself;

"placing on the market" has the meaning given to that expression in regulation 4;

"potable water" means fresh water that meets the requirements of Council Directive 2020/2184/EC of 16 December 2020 on the quality of water intended for human consumption;

[S.R. & O. 23/15/w.e.f. 24/12/15; S.R. &O. 14/21/w.e.f. 03.08.21.]

"prepared fishery products" means unprocessed fishery products that have undergone an operation affecting their anatomical wholeness (such as gutting, heading, slicing, filleting, and chopping).

[S.R. & O. 8/14 w.e.f. 30/4/14.]

"preservation" means, in relation to fishery products, a process by which they are packaged in hermetically sealed containers and subjected to heat treatment to the extent that micro-organisms that might proliferate are destroyed or inactivated, irrespective of the temperature at which they are to be stored;

"processed fishery products"-

- (a) means fishery products resulting from-
 - (i) the processing of unprocessed fishery products; or
 - (ii) the further processing of such processed products; and
- (b) includes products containing ingredients that are necessary for their manufacture or to give them specific characteristics.

[S.R. & O. 8/14 w.e.f. 30/4/14.]

"processing" means, in relation to a fishery product, an action that substantially alters the initial product, including heating, smoking, curing, maturing, drying, marinating, extraction, extrusion or a combination of one or more of those processes;

"seawater" includes-

- (a) natural, artificial and purified seawater;
- (b) brine and briny water; and
- (c) brackish water;

"unprocessed fishery products"-

- (a) means fishery products that have not undergone processing; but
- (b) includes products that have been divided, parted, severed, sliced, boned, minced, skinned, ground, cut, cleaned, trimmed, husked, milled, chilled, frozen, deep-frozen or thawed;

[S.R. & O. 8/14 w.e.f. 30/4/14.]

"wrapping" means-

- (a) in relation to fishery products, placing them in a wrapper or container in direct contact with them; and
- (b) the wrapper or container itself.

4 Placing on the market

(1) A fishery product is placed on the market if-

- (a) it is held for the purpose of sale or another form of transfer (other than an excluded sale or transfer), whether free of charge or not;
 - (b) it is offered for sale or another form of transfer (other than an excluded sale of transfer), whether free of charge or not.
- (2) "Placing on the market" also means, in relation to fishery products, the sale, distribution or other transfer itself of the fishery products (other than an excluded sale, distribution or transfer).
- (3) The following are excluded sales, distribution and transfers for the purposes of paragraph (1)-
- (a) direct transfers on local markets of small quantities of fishery products from fishermen to retailers or consumers in the circumstances specified in regulation 20; and
 - (b) distribution for either of those purposes.

[S.R. & O. 23/15/w.e.f. 24/12/15.]

5 Exclusion of certain aquatic and amphibious animals from definition of "fishery products"

The following are prescribed for the purposes of these regulations as aquatic and amphibious animals that are excluded from the definition of "fishery products" in section 2 of the Ordinance-

- (a) live filter-feeding lamellibranch molluscs (bivalve molluscs), live echinoderms, live tunicates and live marine gastropods;
- (b) mammals, reptiles and frogs.

PART 2 FACTORY VESSELS, FREEZER VESSELS AND FISHERY PRODUCT ESTABLISHMENTS

[S.R. & O. 8/14 w.e.f. 30/4/14.]

6 Requirement for designation of Falkland Islands factory vessels, Falkland Islands freezer vessels and fishery products establishments

No-one may operate a Falkland Island factory vessel, a Falkland Islands freezer vessel or a fishery products establishment unless it has been designated by the Governor by order made under section 35(1) of the Ordinance.

[S.R. & O. 8/14 w.e.f. 30/4/14.]

7 to 9 inclusive . . .

[S.R. & O. 8/14 w.e.f. 30/4/14.]

10 Obligations of the operators of vessels and establishments

(1) The operator of a vessel or establishment that is designated under section 35(1) of the Ordinance must ensure that the requirements of the approval of the vessel or establishment by the food authority are complied with.

(2) The operator of a vessel where fishery products intended for placing on the market for human consumption are handled on board must ensure that the applicable provisions of Parts 1 and 2 of Schedule 1 and those of Schedule 3 are complied with.

(3) The operator of an establishment where fishery products intended for placing on the market for human consumption are handled must ensure that the applicable provisions of Parts 3 and 4 of Schedule 1 and those of Schedule 3 are complied with.

(4) The operator of a vessel or establishment on board which or where fishery products intended for placing on the market for human consumption are handled must carry out checks of the vessel or the establishment based on the following principles-

- (a) the identification of critical points to ensure the safe and hygienic production in the vessel or the establishment on the basis of the manufacturing processes used (a critical point is a point, step or procedure at which control can be applied and a food safety hazard can be prevented, eliminated or reduced to acceptable levels);
- (b) the establishment and implementation of methods to monitor and check such critical points;
- (c) the taking of samples for analysis in a laboratory recognised by the Governor to check-
 - (i) cleaning and disinfection methods, and
 - (ii) compliance with the standards imposed by this Part of these regulations.

(5) The operator must ensure that those involved in checks under paragraph (4) receive the training necessary to allow them to participate effectively in the implementation of the checks.

(6) If a check made under paragraph (4) reveals a serious health risk or suggests one might exist, the operator must inform the food authority, as soon as reasonably practicable.

(7) The operator must also ensure that-

- (a) records are kept in an indelible form of the checks carried out to comply with paragraph (4) that-
 - (i) satisfy any applicable requirements of the relevant EU legislation (having regard to relevant recommendations made in or under relevant EU legislation);
 - (ii) include results of the checks carried out over a period going back at least 2 years; and
- (b) the records are made available to the food authority on request.

[S.R. & O. 8/14 w.e.f. 30/4/14.]

11 Notice of arrival by masters of certain factory vessels

The master of a factory vessel or a freezer vessel (other than a Falkland Islands factory vessel or a Falkland Islands freezer vessel) that intends to land fishery products on the Falkland Islands for placing on the market must give the food authority notice of the vessel's intended arrival at least 24 hours in advance

[S.R. & O. 8/14 w.e.f. 30/4/14.]

**PART 3
FISHING VESSELS**

12 Registration of fishing vessels on which shrimps or molluscs are cooked

- (1) This regulation applies to a fishing vessel on which shrimps or molluscs are processed by cooking for a food business.
- (2) The operator of the vessel must comply with the requirements of this regulation unless the cooking is to be supplemented by subsequent cooking.
- (3) The operator must, before engaging in processing by cooking for the first time, give the food authority written notification of the operator's intention to do so.
- (4) At the same time, the operator must supply the authority with the following information -
 - (a) the name of the vessel;
 - (b) the usual place of landing of the processed products; and
 - (c) the name and address of the owner of the vessel.
- (5) The operator must inform the food authority as soon as practical if any of the information supplied in accordance with paragraph (4) (or subsequently in accordance with this paragraph) changes.
- (6) The food authority must maintain a register of all the information supplied pursuant to paragraphs (4) and (5).
- (7) The operator must ensure that the cooking on the vessel of shrimps or molluscs is done in accordance with the requirements of-
 - (a) paragraph 9 of Division 2 of Part 1 of Schedule 1; and
 - (b) paragraph 15 of Division 4 of Part 4 of Schedule 1.

13 Hygiene conditions for fishing vessels

- (1) Paragraph (2) applies to a fishing vessel on board which fishery products that are intended for placing on the market for human consumption are handled.
- (2) The operator of a vessel to which this paragraph applies must ensure that the applicable provisions of Part 1 of Schedule 2 and those of Schedule 3 are complied with on the vessel.

[S.R. & O. 8/14 w.e.f. 30/4/14.]

- (3) Paragraph (5) applies to a fishing vessel-
 - (a) if it is designed and equipped to preserve fishery products on board under satisfactory conditions for more than 24 hours; and
 - (b) fishery products that are intended for placing on the market for human consumption are handled on board.

(4) Paragraph (5) does not apply to a fishing vessel that is equipped for keeping fish and shellfish alive without other means of conservation on board.

(5) The operator of a vessel to which this paragraph applies must-

- (a) ensure that the applicable provisions of Part 2 of Schedule 2 are complied with on the vessel; and
- (b) take all the measures necessary to prevent a person who may contaminate fishery products from working on and handling fishery products, until the person can do so without risk.

PART 4

PRODUCTION AND PLACING ON THE MARKET OF FISHERY PRODUCTS

14 Gutting of fishery products

(1) This regulation applies where gutting of a fishery product that is intended for placing on the market for human consumption is possible from a technical and commercial standpoint.

(2) The operator of a factory vessel, a freezer vessel or a fishery products establishment who has control over the timing of the gutting of the product must ensure that it is carried out as soon as possible after the product has been caught or landed.

[S.R. & O. 8/14 w.e.f. 30/4/14.]

15 Packaging of fishery products and other information

[S.R. & O. 23/15/w.e.f. 24/12/15.]

(1) This regulation applies to a factory vessel, a freezer vessel or a fishery products establishment where fishery products that are intended for placing on the market for human consumption are packaged.

[S.R. & O. 8/14 w.e.f. 30/4/14.]

(2) The operator of the vessel or establishment must ensure that-

- (a) the packaging of the products is carried out in accordance with the applicable requirements of those set out in Division 1 Part 6 of Schedule 1; and
- (b) the product contains the information specified under Division 2 Part 6 of Schedule 1.

[S.R. & O. 23/15/w.e.f. 24/12/15.]

16 Storage and transportation of fishery products

(1) This regulation applies to a fishery products establishment where fishery products that are intended for placing on the market for human consumption are stored or transported.

(2) The operator of the establishment must ensure that the products -

- (a) are stored at cold stores where only the handling of wrapped products takes place;

- (b) are transported in accordance with the applicable requirements of those set out in Part 8 of Schedule 1;
- (c) are accompanied by a health certificate issued by the competent authority containing information set out under Division 2 of Part 7.

[S.R. & O. 23/15/w.e.f. 24/12/15.]

17 Placing fishery products on the market

A person must not place fishery products on the market for human consumption unless-

- (a) if the products have been handled on board a Falkland Islands fishing vessel, the following requirements have been complied with (to the extent that they apply)-
 - (i) Part 1 of Schedule 1, and
 - (ii) Schedule 2,
- (b) if the products were landed in the Falkland Islands, the applicable requirements of Part 2 of Schedule 1 have been complied with during and after landing;
- (c) where gutting of the products is (or was) possible from a technical and commercial viewpoint, gutting was carried out as quickly as possible after the products were caught or landed;
- (d) if the products are at an establishment on land in the Falkland Islands, they have been handled (and, where appropriate, packaged, prepared, processed, frozen, defrosted, stored hygienically and inspected) in accordance with the applicable requirements of Parts 3 and 4 of Schedule 1;
- (e) if the products have been subject to health control and monitoring of production conditions under Part 5 of Schedule 1, that the requirements of Part 5 of Schedule 1 have been complied with (to the extent that they apply), unless the food authority authorised the transfer of the products from the place where they were landed to a designated fishery products establishment to be checked there (in which case a check on the conditions of landing is not required);
- (f) the products have been appropriately packaged in accordance with Part 6 of Schedule 1;
- (g) the products comprise or form part of a consignment that bears an identification mark that is in accordance with Part 7 of Schedule 1; and
- (h) except at cold stores where only the handling of packaged products takes place, the products have been stored and transported in accordance with Part 8 of Schedule 1.

18 Fishery products to be placed on the market alive

- (1) This regulation applies to a person who has responsibility for the survival conditions of fishery products for human consumption that are to be placed on the market alive.
- (2) A person to whom this regulation applies must ensure that the products are kept under the most suitable survival conditions.

18A Health standards for fishery products

(1) In addition to ensuring compliance with microbiological criteria adopted in accordance with the requirements of relevant EU legislation, operators of vessels and establishments must ensure, depending on the nature of the product or the species, that fishery products placed on the market for human consumption meet the standards laid down in this regulation.

(2) Operators of vessels and establishments must carry out organoleptic examinations of fishery products (and, in particular, these examinations must ensure that fishery products comply with freshness criteria in relevant EU legislation).

(3) Operators of vessels and establishments must ensure that the limits in relevant EU legislation with regard to histamine are not exceeded.

(4) A person must not place unprocessed fishery products on the market if chemical tests reveal that the limits in relevant EU legislation with regard to total volatile nitrogen (and, in particular, TVB-N or TMA-N) have been exceeded in relation to those products.

(5) Operators of vessels and establishments must ensure that fishery products have been subjected to a visual examination for the purpose of detecting visible parasites before being placed on the market for human consumption.

(6) Operators of vessels and establishments must not place fishery products on the market for human consumption if they are obviously contaminated with parasites.

19 Prohibition on placing certain fishery products on the market

(1) This regulation applies to-

- (a) poisonous fish of any of the following families: Tetraodontidae, Molidae, Diodontidae, and Canthigasteridae; and
- (b) fishery products containing biotoxins such as ciguatera toxins or muscle-paralysing toxins.

(2) A person must not-

- (a) sell fish or fisheries products to which this regulation applies;
- (b) supply them in the course of a food business; or
- (c) place them on the market for human consumption.

[S.R. & O. 8/14 w.e.f. 30/4/14.]

19A Restriction on placing certain fishery products on the market

(1) This regulation applies in relation to fresh, prepared, frozen and processed fishery products belonging to the family *Gempylidae* (in particular *Ruvettus pretiosus* and *Lepidocybium flavobrunneum*).

(2) Products in relation to which this regulation applies-

- (a) may only be placed on the market in wrapped or packaged form; and

- (b) must be appropriately labelled-
 - (i) with both the scientific name and the common name of the products;
 - (ii) to provide information to the consumer on-
 - (aa) preparation/cooking methods; and
 - (bb) the risk related to the presence of substances with adverse gastrointestinal effects.

[S.R. & O. 8/14 w.e.f. 30/4/14.]

20 Exemption for direct transfers of fishery products on local markets

- (1) Regulations 14 to 18 do not apply to a direct transfer of a small quantity of fishery products from a fisherman to a retailer or final consumer in the Falklands Islands.
- (2) In paragraph (1), a "small quantity" means an amount that comprises part of the fisherman's annual allowance (which is a total amount of not more than 10 tonnes of fishery products in a calendar year).

PART 5 OFFENCES

21 Offences and penalties

- (1) It is an offence for a person to contravene a provision of these regulations.
- (2) A person found guilty of an offence against paragraph (1) is liable on summary conviction to a fine not exceeding level 6 on the standard scale.

22 Presumption that placing on the market is for human consumption

If fishery products commonly used for human consumption (whether in the Falkland Islands or elsewhere) are placed on the market, it may be presumed for the purposes of these regulations, until the contrary is proved, that they were placed on the market for human consumption.

SCHEDULE 1
PRODUCTION AND PLACING ON THE MARKET CONDITIONS FOR FISHERY
PRODUCTS

Part 1
Conditions applicable to factory vessels and freezer vessels

Division 1
Conditions concerning design and equipment

Factory vessels

[S.R. & O. 8/14 w.e.f. 30/4/14.]

1. The minimum requirements for factory vessels are as follows-

- (a) a reception area set aside for taking fishery products on board that is-
 - (i) designed and arranged into pounds or pens that are large enough to allow each successive catch to be separated; the reception area and its movable parts must be easy to clean; and
 - (ii) designed in such a way as to protect the products from the sun or the elements and from any source of dirt or contamination;
- (b) a system for conveying fishery products from the reception area to the work area that conforms with rules of hygiene;
- (c) work areas that are-
 - (i) large enough for the preparation and processing of fishery products in proper conditions of hygiene; and
 - (ii) designed and arranged in such a way as to prevent any contamination of the products;
- (d) storage areas for the finished products that are large enough and designed so that they are easy to clean;
- (e) if a waste processing unit operates on board, a separate hold designated for the storage of these by-products;
- (f) a place for storing packaging materials that is separate from the product preparation and processing areas;

- (g) special equipment for pumping waste or fishery products that are unfit for human consumption either-
 - (i) directly into the sea; or
 - (ii) where circumstances so require, into a watertight tank reserved for that purpose;
- (h) if waste is stored and processed on board with a view to cleaning, separate areas allocated for that purpose;
- (i) equipment providing a supply of potable water or pressurised clean seawater;
- (j) if pressurised clean seawater is used, the seawater intake must be situated in a position where it is not possible for the water being taken in to be affected by discharges into the sea of waste water, waste and engine coolant outlets;
- (k) a suitable number of-
 - (i) changing rooms;
 - (ii) wash basins equipped with-
 - (aa) appliances for washing and drying the hands that comply with hygiene requirements; and
 - (bb) taps that are not hand-operable; and
 - (iii) toilets that do not opening directly onto areas where fishery products are prepared, processed or stored.

Areas used for the preparation and processing or freezing/quick-freezing of fishery products must have-

- (a) a non-slip floor that is also easy to clean and disinfect and equipped for easy drainage of water;
- (b) limber holes in structures and fixtures that are large enough not to be obstructed by fish waste and to allow water to drain freely;
- (c) walls and ceilings that are easy to clean, particularly where there are pipes, chains or electricity conduits;
- (d) the hydraulic circuits must be arranged or protected in such a way as to ensure that it is not possible for any leakage of oil to contaminate fishery products;
- (e) adequate ventilation and, where necessary, proper vapour extraction;
- (f) adequate lighting;
- (g) appliances for cleaning and disinfecting tools, equipment and fittings; and (h) appliances for cleaning and disinfecting the hands with-
 - (i) taps that are not hand-operable; and
 - (ii) single use towels.

3. Equipment and tools (such as cutting benches, containers, conveyors, gutting or filleting machines, etc) must be-
 - (a) resistant to seawater corrosion;
 - (b) easy to clean and disinfect; and
 - (c) well-maintained.
4. Factory vessels that freeze fishery products must have-
 - (a) a refrigeration plant sufficiently powerful to lower the temperature rapidly so as to achieve a core temperature that complies with the specifications of these regulations;
 - (b) refrigeration plants sufficiently powerful to keep fishery products in the storage holds at a temperature that complies with the specifications of these regulations;
 - (c) storage holds equipped with a temperature recording system placed so that it can easily be consulted.

Freezer vessels

[S.R. & O. 8/14 w.e.f. 30/4/14.]

5. To the extent applicable to the operations carried out on board, the requirements (including, in all cases, those in paragraph 4 relating to freezing) in paragraphs 1 to 4 must also be met in relation to freezer vessels.

[S.R. & O. 8/14 w.e.f. 30/4/14.]

Division 2

Conditions of hygiene relating to on-board handling and storage of fishery products

1. A qualified person on board the factory vessel or freezer vessel must be responsible for applying good fishery products manufacturing practices.

[S.R. & O. 8/14 w.e.f. 30/4/14.]

2. That person must-
 - (a) have the authority to ensure that the provisions of these regulations are applied;
 - (b) and must make available to inspectors-
 - (i) the programme for inspecting and checking critical points as applied on board;
 - (ii) a register containing that person's comments; and
 - (iii) the temperature recordings that may be required.

3. The general conditions of hygiene applicable to areas and equipment are those laid down in paragraphs 1 to 9 of Division 2 of Part 3.

4. The general conditions of hygiene applicable to staff are those laid down in paragraphs 10 to 15 of Division 2 of Part 3.
5. Heading, gutting, filleting and slicing must be carried out under the conditions of hygiene laid down in paragraphs 3 to 6 of Division 1 of Part 4.
6. On-board processing of fishery products must be carried out under the conditions of hygiene laid down in paragraphs 3 to 6 of Division 2 of Part 4 and Divisions 3 and 4 of Part 4.
7. Fishery products must be wrapped and packaged under the conditions of hygiene laid down in Part 6.
8. On-board storage of fishery products must be carried out under the conditions of hygiene laid down in paragraphs 1 to 5 of Part 8.
9. Any on-board processing (in particular any cooking) of shrimps or molluscs must be undertaken in accordance with such of the provisions of the relevant EU legislation as are appropriate, in the particular circumstances of the case-
 - (a) to treatments to inhibit the development of pathogenic micro-organisms in bivalve molluscs and marine gastropods;
 - (b) to the microbiological criteria applicable to the production of cooked crustaceans and molluscan shellfish.

Part 2

Requirements during and after landing

1. Unloading and landing equipment must be-
 - (a) constructed of material that is easy to clean and disinfect; and
 - (b) kept in a good state of repair and cleanliness.
2. During unloading and landing, contamination of fishery products must be avoided.
3. It must be ensured that-
 - (a) unloading and landing operations proceed rapidly;
 - (b) fishery products are placed without unnecessary delay in a protected environment at the temperature required on the basis of the nature of the product and, where necessary, in ice in transport, storage or market facilities, or in an establishment;
 - (c) equipment and handling practices that cause unnecessary damage to the edible parts of the fishery products are not authorised.
4. Parts of auction or wholesale markets where fishery products are displayed for sale must-
 - (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

- (c) have a hygienic waste water disposal system;
- (d) be equipped with sanitary facilities with an appropriate number of-
 - (i) wash basins supplied with-
 - (aa) materials for cleaning the hands; and
 - (bb) single use hand towels; and
 - (ii) flush lavatories
- (e) be well lit to facilitate the inspection of fishery products provided for in Part 5;
- (f) not be used for other purposes when they are used for display or storage of fishery products;
- (g) be cleaned regularly (and at least after each sale);
- (h) have signs displayed in a prominent position prohibiting smoking, spitting, eating and drinking;
- (i) be closable and be kept closed when the food authority considers it necessary;
- (j) have facilities to provide adequate water supplies satisfying the conditions laid down in paragraphs 7 and 8 of Division 1 of Part 3; and
- (k) have special watertight receptacles made of corrosion-resistant materials for fishery products that are unfit for human consumption.

5. To the extent (on the basis of the quantities displayed for sale there) that the food authority does not have its own premises at an auction or wholesale market at which fishery products are displayed for sale (or in its immediate vicinity), the market must provide-

- (a) an adequately equipped lockable room for the purposes of the food authority; and
- (b) the equipment necessary for carrying out inspections.

6. The following must not be admitted to parts of an auction or wholesale market at which fishery products are displayed for sale-

- (a) vehicles emitting exhaust fumes that may impair the quality of the fishery products; and
- (b) undesirable animals.

7. Following each sale of fishery products at an auction or wholesale market, the crates used must be-

- (a) cleaned and rinsed inside and outside with potable water or clean seawater; and
- (b) where required, disinfected.

8. After landing (or, where appropriate, after first sale), fishery products must either-

- (a) be transported to their place of destination without delay and under the conditions laid down in Part 8; or
- (b) stored before being displayed for sale (or after being sold and pending transport to their place of destination)-

- (i) in premises that have sufficiently large cold rooms that satisfy the conditions laid down in paragraph 5 of Division 1 of Part 3; and
- (ii) at a temperature approaching that of melting ice.

Part 3
General conditions for establishments on land

Division 1
General conditions relating to premises and equipment

1. Every establishment must have at least the facilities required in this Division.
2. Working areas must be-
 - (a) sufficient in size for work to be carried out under adequate hygienic conditions; and
 - (b) designed and laid out in a way that-
 - (i) precludes contamination of fishery products; and
 - (ii) keeps quite separate the clean and contaminated parts of the building.
3. Areas where products are handled, prepared and processed must have-
 - (a) waterproof flooring that is-
 - (i) easy to clean and disinfect; and
 - (ii) either-
 - (aa) laid down in such a way as to facilitate the drainage of the water; or
 - (bb) provided with equipment to remove water;
 - (b) walls that-
 - (i) have smooth surfaces; and
 - (ii) are easy to clean, durable and impermeable;
 - (c) ceilings or roof linings that are easy to clean;
 - (d) doors in durable materials that are easy to clean;
 - (e) adequate ventilation and, where necessary, good steam and water-vapour extraction facilities;
 - (f) adequate natural or artificial lighting;
 - (g) an adequate number of facilities for cleaning and disinfecting hands; and
 - (h) facilities for cleaning plant, equipment and utensils;

4. In work rooms and lavatories, taps must not be hand-operable and these facilities must be provided with single use hand towels;
5. Cold rooms where fishery products are stored must have-
 - (a) waterproof flooring that is-
 - (i) easy to clean and disinfect; and
 - (ii) either-
 - (aa) laid down in such a way as to facilitate the drainage of the water; or
 - (bb) provided with equipment to remove water;
 - (b) walls that-
 - (i) have smooth surfaces; and
 - (ii) are easy to clean, durable and impermeable;
 - (c) ceilings or roof linings that are easy to clean;
 - (d) doors in durable materials that are easy to clean;
 - (e) adequate natural or artificial lighting; and
 - (f) where necessary, a sufficiently powerful refrigeration plant to keep the products at temperatures prescribed in these regulations.
6. There must be-
 - (a) appropriate facilities for protection against pests (such as insects, rodents, birds, etc);
 - (b) instruments and working equipment (such as cutting tables, containers, conveyor belts and knives) that are-
 - (i) made of corrosion-resistant materials; and
 - (ii) easy to clean and disinfect;
 - (c) special containers for fishery products not intended for human consumption that are watertight and corrosion-resistant; and
 - (d) premises for the storage of such containers if they are not emptied at least at the end of each working day;
7. There must be facilities to provide adequate supplies (under pressure and in sufficient quantity) of potable water or clean seawater.
8. If there is a supply of non-potable water-
 - (a) the pipes installed for the purpose must preclude the use of that water for purposes other than-
 - (i) the production of steam;
 - (ii) fire-fighting; or

- (iii) the cooling of refrigeration equipment;
 - (b) the pipes used for non-potable water pipes must be clearly distinguishable from those used for potable water or clean seawater.
 - (c) there must be no risk of contamination of fishery products.
9. There must be a hygienic waste water disposal system;
10. There must be an adequate number of changing-rooms that have-
- (a) smooth, water-proof, washable walls and floor;
 - (b) wash basins with-
 - (i) taps that are not hand-operable;
 - (ii) materials for cleaning the hands; and
 - (iii) disposable towels; and
 - (c) flush lavatories that do not open directly onto the work rooms;
11. If the volume of products treated requires the permanent or regular presence of the food authority, an adequately equipped lockable room must be provided for the exclusive use of the food authority.
12. Unless means of transport used for fishery products are to be cleaned and disinfected at facilities elsewhere that are officially authorised by the food authority, there must be facilities for cleaning and disinfecting means of transport.
13. Establishments keeping live animals such as crustaceans and fish must have appropriate fittings that-
- (a) ensuring the best survival conditions for the animals;
 - (b) that are provided with water of a quality such that no harmful organisms or substances are transferred to the animals.

Division 2
General conditions of hygiene

General conditions of hygiene applicable to premises and equipment

1. Floors, walls and partitions, ceilings and roof linings, equipment and instruments used for working on fishery products must be kept in a satisfactory state of cleanliness and repair, so that they do not constitute a source of contamination for the products.
2. Rodents, insects and other vermin must be systematically exterminated in the premises or on the equipment.

3. Rodenticides, insecticides, disinfectants and any other potentially toxic substances must be stored in premises or cupboards that can be locked and their use must not present any risk of contamination of the products.
4. Paragraphs 5 and 6 apply to working areas, instruments and working equipment used for work on fishery products.
5. The food authority may authorise the use of working areas, instruments and working equipment for work on other foodstuffs, either at the same time as they are used for work on fishery products or at other times.
6. Otherwise, working areas, instruments and working equipment to which this paragraph applies must be used only for work on fishery products.
7. Potable water or clean seawater must be used for all purposes other than steam production, fire-fighting and the cooling of refrigeration equipment.
8. Water that is not potable water or clean seawater may only be used for steam production, fire-fighting and the cooling of refrigeration equipment if-
 - (a) the pipes installed for the purpose preclude the use of such water for other purposes; and
 - (b) there is no risk of contamination to fishery products.
9. Detergents, disinfectants and similar substances must be-
 - (a) acceptable to the food authority; and
 - (b) used in such a way that they do not have adverse effects on-
 - (i) machinery or equipment; or
 - (ii) fishery products.

General conditions of hygiene applicable to staff

10. The highest possible standard of cleanliness must be required of staff.
11. Staff must wear
 - (a) suitable clean working clothes; and
 - (b) suitable clean headgear that completely encloses the hair (and this requirement applies particularly to persons handling exposed fishery products).
12. Staff assigned to the handling and preparation of fishery products must be required to-
 - (a) wash their hands at least each time work is resumed; and
 - (b) cover wounds to the hands with a waterproof dressing.
13. Smoking, spitting, eating and drinking must be prohibited in premises where fishery products are worked on or stored.

14. If a person is liable to contaminate fishery products by working on them and handling them, the employer must take all the requisite measures to prevent that person from working on or handling fishery products until there is evidence that the person can do so without risk.

15. Whenever a person is recruited to work on fishery products or handle them, that person must be required to prove (by a medical certificate) that there is no impediment to that employment.

Part 4
Special conditions for handling fishery products on shore

Division 1
Conditions for fresh products

1. Whenever chilled, unpackaged fishery products are not dispatched, prepared or processed immediately after reaching the establishment-

- (a) the fishery products must be stored or displayed under ice in the establishment's cold room;
- (b) re-icing must be carried out as often as is necessary;
- (c) the ice used (with or without salt) must be-
 - (i) made from potable water or clean seawater; and
 - (ii) stored before use under hygienic conditions in receptacles that are-
 - (aa) provided for the purpose; and
 - (bb) kept clean and in a good state of repair.

2. Pre-packed fresh fishery products must be chilled using either-

- (a) ice; or
- (b) mechanical refrigeration plant creating similar temperature conditions.

3. If operations such as heading and gutting have not been carried out on board-

- (a) those operations must be carried out hygienically; and
- (b) immediately afterwards, the products must be washed thoroughly with potable water or clean seawater.

4. Operations such as filleting and slicing must be carried out-

- (a) in such a way as to avoid the contamination or spoilage of fillets and slices; and
- (b) in a place other than that used for heading and gutting operations.

5. Fillets and slices must not remain on work tables any longer than is necessary for their preparation and must be protected from contamination by appropriate packaging.

6. Fillets and slices to be sold fresh must be chilled as quickly as possible after preparation.
7. Guts and parts that may constitute a danger to public health must be-
 - (a) separated from products intended for human consumption; and
 - (b) removed from the vicinity of those products.
8. Containers used for the dispatch or storage of fresh fishery products must-
 - (a) be designed in such a way as to ensure the products are both-
 - (i) protected from contamination; and
 - (ii) preserved under sufficiently hygienic conditions; and
 - (b) provide adequate drainage of melt water.
9. Waste must not be allowed to accumulate in working areas.
10. Unless special facilities are provided for the continuous disposal of waste, waste must be-
 - (a) placed in containers that are-
 - (i) covered;
 - (ii) leak-proof; and
 - (iii) easy to clean and disinfect.
 - (b) must be removed to the containers or premises referred to in paragraph 6 of Division 1 of Part 3 either-
 - (i) continuously; or
 - (ii) as soon as the containers are full and at least at the end of each working day.
11. Containers, receptacles and premises set aside for waste must always be thoroughly cleaned and, if appropriate, disinfected after use.
12. Waste being stored must not constitute a source of either-
 - (a) contamination for the establishment; or
 - (b) pollution of its surroundings.

Division 2
Conditions for frozen products

1. Plants must have-
 - (a) freezing equipment that is sufficiently powerful to achieve a rapid reduction in the temperature so that the temperature laid down in these regulations can be obtained in the product; and

- (b) freezing equipment that is sufficiently powerful to keep products in storage rooms at a temperature not exceeding those laid down in these regulations, whatever the ambient temperature may be.
2. For technical reasons related to the method of freezing and to the handling of such products, higher temperatures than those laid down in these regulations are acceptable for whole fish frozen in brine and intended for canning, but these temperatures may not exceed -9°C.
 3. Fresh products to be frozen or quick-frozen must comply with the requirements of Division 1.
 4. Storage rooms must have a temperature recording device in a place where it can easily be read.
 5. The temperature sensor of the recorder must be located in the area furthest away from the cold source (ie where the temperature in the storage room is the highest).
 6. Temperature charts must be available for inspection by the food authority at least during the period in which the products are stored.

Division 3
Conditions for thawing products

Establishments that carry out thawing operations must comply with the following requirements-

- (a) during thawing-
 - (i) fishery products must be thawed under hygienic conditions;
 - (ii) contamination of fishery products being thawed must be avoided;
 - (iii) there must be adequate drainage for any melt water produced; and
 - (iv) the temperature of the products must not increase excessively; and
- (b) after thawing-
 - (i) fishery products must be handled in accordance with the requirements of these regulations;
 - (ii) if the products are to be prepared or processed, these operations must be carried out without delay; and
 - (iii) if they are to be put directly onto the market, particulars as to the thawed state of the fish must be clearly marked on the packaging, in accordance with any relevant food labelling requirements.

Division 4
Conditions for processed products

1. Fresh, frozen and thawed products used for processing must comply with the requirements set out in Division 1, 2 or 3.
2. Paragraph 3 applies whenever either-
 - (a) processing treatment is carried out on fishery products to inhibit the development of pathogenic micro-organisms; or
 - (b) it is a significant factor in the preservation of the products.
3. If this paragraph applies, the treatment carried out on the products must be a scientific process that produces safe food.
4. The operator of an establishment where fishery products are processed must keep a register of the processing carried out.
5. The operator must ensure that details appropriate to the type of process employed, (such as heating time and temperature, salt content, pH, water content, etc) are monitored and controlled.
6. Records of these details must be-
 - (a) kept at least for the expected storage life of the products; and
 - (b) made available to the food authority on request.
7. Paragraph 8 applies to products that are preserved for a limited period by a treatment such as salting, smoking, drying or marinading.
8. The appropriate conditions for storage must be clearly marked on the packaging of products to which this paragraph applies, in accordance with relevant food labelling requirements.

Canning

9. In the case of fishery products that have been subjected to sterilisation in hermetically sealed containers-
 - (a) the water used for the preparation of cans must be potable water;
 - (b) the process used for the heat treatment must be appropriate, having regard to such major criteria as the heating time, temperature, filling, size of containers, etc., a record of which must be kept;
 - (c) the heat treatment must be capable of destroying or inactivating pathogenic organism and the spores of pathogenic micro-organisms;
 - (d) the heating equipment must be fitted with devices for verifying whether the container have in fact undergone appropriate heat treatment;
 - (e) potable water must 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;

- (f) further checks must be carried out at random by the manufacturer to ensure that the processed products have undergone appropriate heat treatment, as follows-
 - (i) incubation tests: incubation must be carried out at 37°C for seven days or at 35°C for ten days, or at any other equivalent combination;
 - (ii) microbiological examination of contents and containers in the establishment's laboratory or in a laboratory recognised by the food authority;
- (g) samples must be taken of production each day at predetermined intervals, to ensure the efficacy of sealing or of any other method of hermetic closure (and, for that purpose, appropriate equipment must be available for the examination of cross-sections of the can seams);
- (h) checks are carried out in order to ensure that containers are not damaged;
- (i) all containers that have undergone heat treatment under practically identical conditions must be given a batch identification mark.

Smoking

10. Smoking must be carried out in either-

- (a) separate premises;
- (b) or a special place equipped, if necessary, with a ventilation system to prevent the smoke and heat from the combustion from affecting other premises or places where fishery products are prepared, processed or stored.

11. Materials used to produce smoke for the smoking of fish must be-

- (a) stored away from the place of smoking; and
- (b) must be used in such a way that they do not contaminate the products.

12. Smoke for the smoking of fish must not be produced by burning wood that has been painted, varnished, glued or has undergone any chemical preservation treatment.

13. After smoking, products must be cooled rapidly to the temperature required for their preservation before being packaged.

Salting

14. As regards salting-

- (a) salting operations must take place in different premises and sufficiently removed from the premises where the other operations are carried out;
- (b) salt used in the treatment of fishery products-
 - (i) must be clean and stored in such a way as to preclude contamination; and

- (ii) must not be re-used;
- (c) any container used for salting or brining must be constructed in such a way as to preclude contamination during the salting or brining process; and
- (d) containers or areas used for salting or brining must be cleaned before use.

Cooked crustacean and molluscan shellfish

15. Crustaceans and molluscan shellfish must be cooked as follows-

- (a) any cooking must be followed by rapid cooling; water used for this purpose must be potable water or clean seawater;
- (b) if no other method of preservation is used, cooling must continue until the temperature approaching that of melting ice is reached;
- (c) shelling or shucking must be carried out under hygienic conditions avoiding the contamination of the product;
- (d) where shelling or shucking is done by hand, workers must pay particular attention to the washing of their hands and all working surfaces must be cleaned thoroughly;
- (e) if machines are used for shelling or shucking, they must be cleaned at frequent intervals and disinfected after each working day;
- (f) after shelling or shucking, cooked products must be-
 - (i) either-
 - (aa) frozen immediately; or
 - (bb) kept chilled at a temperature that will preclude the growth of pathogens; and
 - (ii) stored in appropriate premises;
- (g) every manufacturer must carry out microbiological checks at regular intervals, complying with the standards and other obligations set out in the relevant EU legislation on the microbiological criteria applicable to the production of cooked crustaceans and molluscan shellfish.

Mechanically recovered fish flesh

16. The mechanical recovery of fish flesh must be carried out under the following conditions-

- (a) mechanical recovery of gutted fish must take place without undue delay after filleting, using raw materials free of guts;
- (b) where whole fish are used, they must be gutted and washed beforehand;
- (c) the machinery must be cleaned-
 - (i) at frequent intervals; and

- (ii) at least every two hours;
- (d) after recovery, mechanically recovered flesh must be either-
 - (i) frozen as quickly as possible; or
 - (ii) incorporated in a product intended for freezing or stabilising treatment.

Division 5
Conditions concerning parasites

1. During production and before they are released for human consumption, fish and fish products must be subject to a visual inspection for the purpose of detecting and removing any parasites that are visible.
2. The inspection must be carried out in accordance with the rules set out in the relevant EU legislation laying down the detailed rules relating to the visual inspection for the purpose of detecting parasites in fishery products.
3. The following must not be placed on the market for human consumption-
 - (a) fish that are obviously infested with parasites; and
 - (b) parts of fish that are removed because they are obviously infested with parasites.
4. Paragraph 5 applies to the following fishery products derived from finfish or cephalopod molluscs that are to be placed on the market for human consumption-
 - (a) fishery products intended to be consumed raw; or
 - (b) fishery products that have been marinated, salted or treated in some other way, if the treatment is insufficient to kill viable parasites;
5. Fishery products to which this paragraph applies must undergo a freezing treatment in order to kill viable parasites that may be a risk to the health of the consumer.
6. For parasites other than trematodes, the freezing treatment must consist of lowering the temperature in all parts of the product to at least:
 - (a) -20 °C for not less than 24 hours; or
 - (b) -35 °C for not less than 15 hours.
7. The freezing treatment set out in paragraph 6 need not be carried out on fishery products to which paragraph 5 applies if either-
 - (a) the products have undergone (or are intended to undergo before consumption) a heat treatment that kills viable parasites (and, for parasites other than trematodes, the product must be heated to a core temperature of 60°C or more for at least one minute); or
 - (b) they have been preserved as frozen fishery products for a period that is sufficiently long to kill viable parasites;
8. Freezing treatment not being carried out on fisheries products to which paragraph 5 applies if-

- (a) in the case of the products from wild catches-
 - (i) there are epidemiological data available indicating that the fishing grounds of origin do not present a health hazard with regard to the presence of parasites; and
 - (ii) the food authority authorises freezing treatment not being carried out; or
 - (b) in the case of products derived from fish farming-
 - (i) the products have been cultured from embryos and fed exclusively on a diet that cannot contain viable parasites that present a health hazard; and
 - (ii) either-
 - (aa) they have been exclusively reared in an environment that is free from viable parasites; or
 - (bb) the food business operator verifies through procedures, approved by the food authority, that the products do not represent a health hazard with regard to the presence of viable parasites.
9. When fishery products to which paragraph 5 applies are placed on the market (except when they are being supplied to the final consumer), either-
- (a) the products must be accompanied by a document issued by the food business operator that performed the freezing treatment, stating the type of freezing treatment that the products have undergone; or
 - (b) the food business operator must ensure (on the basis of information accompanying the fishery products) that conditions set out in paragraph 8 have been met in relation to the products.

Part 5

Official controls

[S.R. & O. 8/14 w.e.f. 30/4/14.]

The food authority must establish arrangements (known as "official controls") in order to establish whether the requirements laid down in these regulations are complied with.

Division 1

Official controls of production and placing on the market

1. Official controls on the production and placing on the market of fishery products are to include, in particular-
- (a) regular checks on the hygiene conditions of landing and first sale;
 - (b) inspections at regular intervals of vessels and establishments on land to check, in particular-
 - (i) where appropriate, whether the conditions for approval are still fulfilled;

- (ii) whether the fishery products are handled correctly;
 - (iii) for compliance with hygiene and temperature requirements; and
 - (iv) the cleanliness of establishments, including vessels, and their facilities and equipment, and staff hygiene; and
- (c) checks on storage and transport conditions.
2. Official controls of vessels may be carried out-
- (a) during stays in port; and
 - (b) wherever a vessel is registered.

Division 2
Official controls of fishery products

1. Official controls of fishery products are to include at least the elements set out in this Division.

Organoleptic examinations

2. Random organoleptic checks must be carried out at all stages of production, processing and distribution.
3. One aim of these checks is to verify compliance with the freshness criteria established in accordance with relevant EU legislation, which (in particular) includes verifying, at all stages of production, processing and distribution, that fishery products at least exceed the baselines of freshness criteria established in accordance with relevant EU legislation.

Freshness indicators

4. When the organoleptic examination reveals any doubt as to the freshness of the fishery products, samples may be taken and subjected to laboratory tests to determine the levels of total volatile basic nitrogen (TVB-N) and trimethylamine nitrogen (TMA-N).
5. The food authority is to use the criteria laid down under relevant EU legislation.
6. When the organoleptic examination gives cause to suspect the presence of other conditions which may affect human health, appropriate samples are to be taken for verification purposes.

Histamine

7. Random testing for histamine is to be carried out to verify compliance with the permitted levels laid down under relevant EU legislation.

Residues and contaminants

8. Monitoring arrangements are to be set up to control the levels of residues and contaminants in accordance with Community legislation.

Microbiological checks

9. Where necessary, microbiological checks are to be performed in accordance with the relevant rules and criteria laid down under relevant EU legislation.

Parasites

10. Random testing is to take place to verify compliance with relevant EU legislation on parasites.

Poisonous fishery products

11. Checks are to take place to ensure that-

- (a) fishery products derived from poisonous fish of the following families are not placed on the market-
 - (i) *Tetraodontidae*;
 - (ii) *Moridae*;
 - (iii) *Diodontidae*;
 - (iv) *Canthigasteridae*;
- (b) fresh, prepared, frozen and processed fishery products belonging to the family Gempylidae (in particular, *Ruvettuspretiosus* and *Lepidocybium flavobrunneum*) -
 - (i) may only be placed on the market in wrapped or packaged form;
 - (ii) must be appropriately labelled to provide information to the consumer on-
 - (aa) preparation and cooking methods; and
 - (bb) the risk related to the presence of substances with adverse gastrointestinal effects; and
 - (iii) the scientific names of the fishery products and the common names appear on the label.
- (c) fishery products containing biotoxins such as ciguatera or other toxins dangerous to human health are not placed on the market.

Division 3
Decisions after controls

Fishery products are to be declared unfit for human consumption if-

- (a) organoleptic, chemical, physical or microbiological checks or checks for parasites have shown that they are not in compliance with the relevant EU legislation;
- (b) they contain in their edible parts contaminants or residues-
 - (i) in excess of the limits laid down in relevant EU legislation; or
 - (ii) at levels where the calculated dietary intake would exceed the acceptable daily or weekly intake for humans;
- (c) they derive from-
 - (i) poisonous fish; or
 - (ii) fishery products not complying with the requirement of paragraph 11(c) of Division 2 concerning biotoxins;
- (d) the food authority considers that the products-
 - (i) may constitute a risk to public or animal health; or
 - (ii) are for any other reason not suitable for human consumption.

Part 6
Packaging

Division 1

[S.R. & O. 23/15/w.e.f. 24/12/15.]

1. Packaging must be carried out under satisfactory conditions of hygiene, to preclude contamination of the fishery products.
2. Packaging materials and products liable to enter into contact with fishery products must comply with all the rules of hygiene.
3. In particular, packaging materials and products liable to enter into contact with fishery products-
 - (a) must not be such as to impair their organoleptic characteristics;
 - (b) must not be capable of transmitting to them substances harmful to human health; and
 - (c) must be strong enough to protect them adequately.
4. Containers may be re-used for packaging if-
 - (a) they are-

- (i) made of impervious, smooth and corrosion-resistant material; and
 - (ii) easy to clean and disinfect
- (b) they have been cleaned and disinfected before re-use.
5. Unless paragraph 4 applies, packaging materials may not be re-used.
6. Packaging materials used for fresh fishery products that are held under ice must provide adequate drainage for melt water.
7. Unused packaging materials must be-
- (a) stored in places away from the production area; and
 - (b) protected from dust and contamination.

Division 2
Mandatory food information required for exported products

[S.R. & O. 23/15/w.e.f. 24/12/15.]

A Requirements for the name of the food (products)

1. The name or type of fish must be accompanied by particulars as to the physical condition of the product or the specific treatment which it has undergone (e.g. powdered, refrozen, smoked, etc.)
2. The information must indicate if the product has been frozen and defrosted before sale. This requirement does not apply to the following:
 - (a) ingredients present in the final product;
 - (b) fish or fish products for which freezing is a technologically necessary step of the production process;
 - (c) fish or fish products for which the defrosting has no negative impact on the safety or quality of the fish.
 - (d) fishery and aquaculture products previously frozen for health and safety purposes
 - (e) fish and aquaculture products that have been defrosted before smoking, salting, cooking, pickling, drying or a combination of these processes.
3. The information must indicate if the fish product contains added proteins from a different animal.
4. The information must indicate if water has been added to the fish products that make up more than 5% of the finished product weight.

5. The information must indicate if the fish products have been made by adding different pieces of meat.

B The list of ingredients in the fish product

1. This is not required for foods consisting of a single ingredient where the name of the food is identical to the ingredient name or the name of the food enables the nature of the ingredient to be clearly identified.

2. Any ingredient or processing aid listed in Annex II of EU Regulation 1169/2011 that may cause allergies or intolerances.

3. The indication of these ingredients is not required in cases where the name of the product clearly refers to the substance or product concerned.

C The quantity of certain ingredients or categories of ingredients

This is not required for products consisting of a single ingredient where the name of the product is identical to the ingredient name or the name of the product enables the nature of the ingredient to be clearly identified.

D The net quantity of the product

The net quantity of the product must be expressed using litres, centilitres, millilitres, kilograms or grams, as appropriate.

E the date of minimum durability or the 'use by' date

1. In the case of products which, from a microbiological point of view, are highly perishable and are therefore likely after a short period to constitute an immediate danger to human health—

(a) the date of minimum durability must be replaced by the 'use by' date; and

(b) after the 'use by' date the product is deemed to be unsafe.

2. In the case of products which are not highly perishable, a period of minimum durability may be indicated by a 'best before' date, with that date preceded by the words—

(a) "Best before ..." when the date includes an indication of the day; or

(b) "Best before end ..." in other cases,

with the words accompanied by either the date itself, or a reference to where the date is given on the labelling.

3. Where the product is to keep for the specified period, the particulars under paragraph 2 must be followed by a description of the storage conditions which must be observed, and the date must consist of the day, the month and possibly, the year, in that order and in un-coded form.
4. Where the product will not keep for more than 3 months, an indication of the day and the month is sufficient, and the labelling requirements are as follows-
 - (a) for products which will keep for more than 3 months but not more than 18 months, an indication of the month and year is sufficient;
 - (b) for products which will keep for more than 18 months, an indication of the year is sufficient, including any special storage conditions or conditions of use.

F The name or business name and address of the food business operator

1. The operator responsible for the product information is the operator under whose name or business name the food is marketed or imported into the EU market.
2. The information must include the country of origin or place of provenance.
3. The information must contain instructions for use where it would be difficult to make appropriate use of the product in the absence of those instructions.

G A nutrition declaration

This is not necessary for unprocessed products comprising a single ingredient or category of ingredients.

H Additional mandatory particulars for fish

- 1 Frozen unprocessed fishery products must indicate the date of freezing or the date of first freezing in cases where the product has been frozen more than once.
 - (a) it must be preceded by the words 'Frozen on .';
 - (b) the words referred to in paragraph (a) must be accompanied by:
 - (i) the date itself, or,
 - (ii) a reference to where the date is given on the labelling,
 - (c) the date must consist of the day, the month and the year, in that order and in uncoded form.
2. Fishery and aquaculture products:
 - (a) the production method, in particular by the following words; "caught", "caught in freshwater" or "farmed";

- (b) the area where the product was caught or farmed and the category of fishing gear used (see annex III of EU reg1379/2013 for categories and codes).

I Presentation of mandatory particulars

1. Mandatory food information must be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It must not in any way be hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material.
2. When appearing on the package or on the label attached to the product, the mandatory particulars listed must be printed on the package or on the label in such a way as to ensure clear legibility, in characters using a font size where the main body of the letters used, is equal to or greater than 1,2 mm.
3. In case of packaging or containers the largest surface of which has an area of less than 80 cm², main body of the letters used must be equal to or greater than 0,9 mm.
4. When pre-packaged food is being supplied directly to the final consumer all mandatory particulars must be present on the label or packaging. When food is being provided to another food business operator, wholesaler or mass cater for onward distribution only points (a), (f), (g) and (h) must be on the label or packaging. All the remaining mandatory particulars may be made available on accompanying commercial documentation as long as they are clear and can be related to the product to which they refer.
5. Until the stage at which a food is labelled in accordance with the particulars above or used for further processing, food business operators must ensure that in the case of frozen food of animal origin intended for human consumption, the following information is made available to the food business operator to whom the food is supplied and, upon request, to the competent authority:
 - (a) the date of production which is the date of harvesting or catching, in the case of fishery products; and
 - (b) the date of freezing, if different from the date of production.

Where a food is made from a batch of raw materials with different dates of production and of freezing, the oldest dates of production and/or of freezing, as appropriate, must be made available.

6. The appropriate form in which the information must be made available is up to the choice of the supplier of the frozen food, as long as the information requested in paragraph 2 will be clearly and unequivocally available to and retrievable by the business operator to whom the food is supplied.

Part 7 Identification marks

Division 1

[S.R. & O. 23/15/w.e.f. 24/12/15.]

1. Without prejudice to any relevant food labelling requirements, it must be possible to trace for inspection purposes the establishment of dispatch of consignments of fishery products, by means of-

- (a) labelling;
- (b) accompanying documents.

2. For that purpose, the following information must appear on the packaging (or, in the case of a non-packaged product, in the accompanying documents)-

- (a) "Falkland Islands" written out in full;
- (b) identification of the establishment or factory vessel by its official approval number,
- (c) the abbreviation "FK".

3. All the letters and figures must be-

- (a) fully legible; and
- (b) grouped together on the packaging in a place where they are visible from the outside without the need to open the packaging.

Division 2

Health certificate for imports of fishery products intended for human consumption

[S.R. & O. 23/15/w.e.f. 24/12/15.]

COUNTRY

Fishery products

II. Health information	II.a. Certificate reference number	II.b.
<p>II.2.3.3. the consignment is identified by a legible label on the exterior of the container, or when transported by well boat, in the ship's manifest, with the relevant information referred to in boxes I.7 to I.11 of Part I of this certificate, and the following statement:</p>		
<p>"⁽⁴⁾ [Fish] ⁽⁴⁾ [Crustaceans] intended for human consumption in the Union".</p>		
<p>Notes</p>		
<p>Part I:</p>		
<p>— Box reference I.8: Region of origin: For frozen or processed bivalve molluscs, indicate the production area.</p>		
<p>— Box reference I.11: Place of origin: name and address of the dispatch establishment.</p>		
<p>— Box reference I.15: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship). Separate information is to be provided in the event of unloading and reloading.</p>		
<p>— Box reference I.19: Use the appropriate Harmonised System (HS) codes of the World Customs Organisation of the following headings: 0301, 0302, 0303, 0304, 0305, 0306, 0307, 0308, 05.11, 15.04, 1516, 1518, 1603, 1604, 1605 or 2106.</p>		
<p>— Box reference I.23: Identification of container/Seal number: Where there is a serial number of the seal it has to be indicated.</p>		
<p>— Box reference I.28: <i>Nature of commodity</i>: Specify whether aquaculture or wild origin.</p>		
<p style="padding-left: 40px;"><i>Treatment type</i>: Specify whether live, chilled, frozen or processed.</p>		
<p style="padding-left: 40px;"><i>Manufacturing plant</i>: includes factory vessel, freezer vessel, cold store, processing plant.</p>		
<p>Part II:</p>		
<p>⁽¹⁾ Part II.1 of this certificate does not apply to countries with special public health certification requirements laid down in equivalence agreements or other Union legislation.</p>		
<p>⁽²⁾ Part II.2 of this certificate does not apply to:</p>		
<p>(a) non-viable crustaceans, which means crustaceans no longer able to survive as living animals if returned to the environment from which they were obtained,</p>		
<p>(b) fish which are slaughtered and eviscerated before dispatch,</p>		
<p>(c) aquaculture animals and products thereof, which are placed on the market for human consumption without further processing, provided that they are packed in retail-sale packages which comply with the provisions for such packages in Regulation (EC) No 853/2004,</p>		
<p>(d) crustaceans destined for processing establishments authorised in accordance with Article 4(2) of Directive 2006/88/EC, or for dispatch centres, purification centres or similar businesses which are equipped with an effluent treatment system inactivating the pathogens in question, or where the effluent is subject to other types of treatment reducing the risk of transmitting diseases to the natural waters to an acceptable level,</p>		
<p>(e) crustaceans which are intended for further processing before human consumption without temporary storage at the place of processing and packed and labelled for that purpose in accordance with Regulation (EC) No 853/2004.</p>		
<p>⁽³⁾ Parts II.2.1 and II.2.2 of this certificate only apply to species susceptible to one or more of the diseases referred to in the heading of the point concerned. Susceptible species are listed in Annex IV to Directive 2006/88/EC.</p>		
<p>⁽⁴⁾ Keep as appropriate.</p>		
<p>⁽⁵⁾ For consignments of species susceptible to EHN, Taura syndrome and/or Yellowhead disease this statement must be kept for the consignment to be authorised into any part of the Union.</p>		

(⁶) To be authorised into a Member State, zone or compartment (boxes I.9 and I.10 of Part I of the certificate) declared free from VHS, IHN, ISA, KHV or Whitespot disease or with a surveillance or eradication programme drawn up in accordance with Article 44(1) or (2) of Directive 2006/88/EC, one of these statements must be kept if the consignment contain species susceptible to the disease(s) for which disease freedom or programme(s) apply(ies). Data on the disease status of each farm and mollusc farming area in the Union are accessible at http://ec.europa.eu/food/animal/liveanimals/aquaculture/index_en.htm.

— The colour of the stamp and signature must be different to that of the other particulars in the certificate.

Official inspector

Name (in capital letters):

Qualification and title:

Date:

Signature:

Stamp:

Part 8

Storage and transport

1. Fishery products must be kept during storage and transport at the temperatures laid down in these regulations.
2. The following fishery products must be kept at a temperature approaching that of melting ice-
 - (a) fresh or thawed fishery products; and
 - (b) cooked and chilled crustacean and molluscan shellfish products; and
3. Paragraph 4 applies to frozen fishery products, apart from fish that have initially been frozen whole in brine and are intended for the manufacture of canned foods.
4. Fishery products to which this paragraph applies must be kept during transport at an even temperature of -18°C or less throughout all parts of the product (allowing for the possibility of brief upward fluctuations of not more than 3°C).
5. The requirements of paragraph 4 need not be met if-
 - (a) frozen fishery products are being transported from a cold storage plant to an approved establishment;
 - (b) the products will be thawed on arrival for the purposes of either preparation or processing;
 - (c) either-
 - (i) the distance to be covered does not exceed 50 km; or
 - (ii) if the distance to be covered is greater, the anticipated duration of the journey is less than one hour.
6. If ice is used to chill the fishery products, adequate drainage must be provided in order to ensure that water from melted ice does not stay in contact with the products.

7. Vehicles used for the transport of fishery products must be constructed and equipped in such a way that the temperatures laid down in these regulations can be maintained throughout the period of transport.
8. The inside surfaces of the means of transport used for fishery products must be-
 - (a) smooth and easy to clean and disinfect.
 - (b) finished in such a way that they do not adversely affect the fishery products;
9. Fishery products may not be transported in a vehicle or container that is-
 - (a) not clean; or
 - (b) should have been disinfected (but was not).
10. Fishery products must not be stored or transported with other products that may contaminate them or affect their hygiene, unless they are packaged in such a way as to provide satisfactory protection.
11. Means of transport used for fishery products must not be used for transporting other products likely to impair or contaminate fishery products, unless the fishery products can be safeguarded against contamination by the transport being thoroughly cleaned and disinfected immediately prior to each occasion it is used for fishery products.
12. The transport conditions of fishery products to be placed on the market alive must not adversely affect the fishery products.

SCHEDULE 2

HYGIENE CONDITIONS FOR FISHING VESSELS

Part 1

General hygiene conditions applicable to fishery products on board fishing vessels

1. Paragraphs 2 and 3 apply to the sections of vessels or the containers reserved for the storage of fishery products.
2. The sections and containers to which this paragraph applies-
 - (a) must not contain objects or products liable to transmit harmful properties or abnormal characteristics to the foodstuffs; and
 - (b) must be so designed as to-
 - (i) allow them to be cleaned easily; and
 - (ii) ensure that melt water cannot remain in contact with the fishery products.
3. When the sections and containers to which this paragraph applies are being used-
 - (a) they must be completely clean; and

- (b) in particular, they must not be capable of being contaminated by either-
 - (i) the fuel used for the propulsion of the vessel; or
 - (ii) by bilge water.
- 4. As soon as fishery products are taken on board, they must be protected from-
 - (a) contamination; and
 - (b) the effects of the sun or other source of heat.
- 5. When fishery products are washed, the water used must be either potable water or clean seawater, so as not to impair the quality or wholesomeness of the products.
- 6. Fishery products must be handled and stored in such a way as to prevent bruising.
- 7. Spiked instruments may be used to move large fish or fish that might injure the handler, but only if the flesh of the fish is not damaged.
- 8. Except in the case of fishing vessels where cooling is not possible from a practicable point of view, fishery products (other than those kept alive) must undergo cold treatment as soon as possible after loading.
- 9. In the case of fishing vessels where cooling is not possible from a practicable point of view, the fishery products must not be kept on board for more than 8 hours.
- 10. Ice used for the chilling of products must-
 - (a) be made from potable water or clean seawater; and
 - (b) be stored before use under conditions that prevent its contamination.
- 11. After fishery products have been unloaded, the containers, equipment and sections of vessels that have been directly in contact with those products must be cleaned with potable water or clean seawater.
- 12. Whenever fish is headed or gutted (or headed and gutted) on board-
 - (a) the operations must be carried out hygienically;
 - (b) the products must be washed immediately and thoroughly with potable water or clean seawater;
 - (c) the viscera and parts that may pose a threat to public health must be removed and set apart from products intended for human consumption; and
 - (d) livers and roes intended for human consumption must be refrigerated or frozen.
- 13. Paragraph 14 applies to-
 - (a) equipment used for gutting, heading and the removal of fins; and
 - (b) containers and equipment in contact with fishery products.
- 14. Containers and equipment to which this paragraph applies-
 - (a) must be made of or coated with a material that is-

- (i) waterproof;
 - (ii) resistant to decay; and
 - (iii) smooth and easy to clean and disinfect; and
- (b) must be completely clean when they are used.

15. Staff assigned to the handling of fishery products must be required to maintain a high standard of cleanliness for themselves and their clothes.

Part 2

Additional hygiene conditions

1. Fishing vessels must be equipped with holds, tanks or containers for the storage of refrigerated or frozen fishery products at the temperature laid down by these regulations.
2. The holds, tanks or containers must be separated from the machinery space and the quarters reserved for the crew by partitions that are sufficiently impervious to prevent any contamination of stored fishery products.
3. The inside surface of the holds, tanks or containers must-
 - (a) be waterproof;
 - (b) be easy to wash and disinfect; and
 - (c) consist of either-
 - (i) a smooth material; or
 - (ii) smooth paint that-
 - (aa) is maintained in good condition; and
 - (bb) is not capable of transmitting substances harmful to human health to the fishery products.
4. The holds, tanks or containers must be designed to ensure that melt water cannot remain in contact with fishery products.
5. Containers used for the storage of fishery products must-
 - (a) ensure the preservation of those products under satisfactory conditions of hygiene;
 - (b) in particular, allow the drainage of melt water; and
 - (c) be completely clean when they are used.
6. The working decks, the equipment and the holds, tanks and containers must be cleaned with potable water or clean seawater each time they are used.
7. Whenever necessary-

- (a) the working decks, the equipment and the holds, tanks and containers must be disinfected;
 - (b) insects must be removed from them; and
 - (c) rat extermination must be carried out.
8. Cleaning products, disinfectants, insecticides and all potentially toxic substances must be stored in locked premises or cupboards.
9. The use of cleaning products, disinfectants, insecticides and potentially toxic substances must not present any risk of contamination of fishery products.
10. If fishery products are frozen on board, this operation must be carried out in accordance with the conditions laid down in paragraphs 1, 2, 4, 5 and 6 of Division 2 of Part 4 of Schedule 1.
11. If freezing in brine is carried out, the brine must not be a source of contamination for the fish.
12. Paragraph 13 applies to vessels equipped for chilling of fishery products in cooled seawater, either chilled by ice (CSW) or refrigerated by mechanical means (RSW).
13. Vessels to which this paragraph applies must comply with the following requirements-
- (a) tanks must-
 - (i) be equipped with adequate seawater filling and drainage installations;
 - (ii) incorporate devices for achieving uniform temperature throughout them; and
 - (iii) have a means of recording temperature connected to a temperature sensor positioned in the section of the tank where temperatures are highest;
 - (b) the operation of the tank or container system must secure a chilling rate that ensures the mix of fish and seawater reaches-
 - (i) 3°C no later than 6 hours after loading;
 - (ii) 0°C at the most after 16 hours;
 - (c) after each unloading, the tanks, circulation systems and containers must be-
 - (i) completely emptied; and
 - (ii) thoroughly cleaned using potable water or clean seawater;
 - (d) tanks should only be filled with clean seawater;
 - (e) temperature recordings (on which the date and the number of the tank are clearly indicated) must be-
 - (i) kept; and
 - (ii) made available for the food authority on request.

SCHEDULE 3
HAZARD ANALYSIS AND CRITICAL CONTROL POINTS (HACCP)

[S.R. & O. 8/14 w.e.f. 30/4/14.]

1 HACCP principles

- (1) The HACCP principles consist of the following-
- (a) identifying hazards that must 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 food business to demonstrate the effective application of the measures outlined in subparagraphs (a) to (f).

2 Duties on operators in relation to HACCP

- (1) Operators of vessels, establishments and installations must put in place, implement and maintain permanent procedures based on the HACCP principles.
- (2) When any modification is made in a product, process or step, operators must review the procedures and make the necessary changes to them.
- (3) Operators must-
- (a) provide the food authority with evidence of their compliance with sub-sections (1) and (2) in the manner that the food authority requires, taking account of the nature and size of the vessel, establishment or installation and its operations;
 - (b) ensure that any documents describing the procedures developed in accordance with paragraph are up-to-date at all times;
 - (c) retain any other documents and records for an appropriate period.

ⁱ See Gazette 7 of 6th June 2012.