

Notification no. 478 dated 1st May, 2002

S.O.478(E).- In exercise of the power conferred by section 17 of the Export(Quality Control and OInspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules namely :-

1. Short title and commencement-(1) These rules may be called the Export of Live Fish (Quality control, Inspection and Monitoring) Rules 2002
(2) They shall come into force on the date of their publication in the official Gazette
2. Definitions- In these rules unless the context otherwise requires,
 - (a) "Act" means the Export (Quality control and Inspection) Act, 1963 (22 of 1963);
 - (b) "Agency" means any one of the Export Inspection Agencies established by the Central Government at Mumbai, Kolkata, Kochi, Delhi and Chennai, established under section 7 of the Act for inspection including its sub-offices.
 - (c) "Council" means Export Inspection Council established under section 3 of the Act;
 - (d) "Consignment" means the quantity of Live Fish bound for one customer in the country of the destination and conveyed by one means of transport only;
 - (e) "Establishment" means premise, where fishes are handled, fattened and held;
 - (f) "Live Fish" means any of the trade varieties under the head "Fishes" including molluscs and crustaceans meant for human consumption.
3. Basis of compliance. - The processor shall ensure that live fish intended for export are handled and held at all stages including transport under proper hygienic conditions so as to meet the health requirements laid down under these rules and that the live fishes conform to the specifications given in the Order by the Central Government under section 6 of the Act, Further, the Agency shall ensure that the establishments comply with the requirements by regular monitoring of the establishments as per the control measures prescribed in rule 13. For effective monitoring of the scheme, the Council shall issue necessary instructions in this regard.
4. Live fish for export shall be subjected to the conditions as laid down under statutory restrictions imposed by any State or Central Government with respect to commercial or environmental or conservation measures from time to time.
5. Fishes shall be kept under hygienic conditions.
6. Live fishes during and after landing shall be handled in accordance with the requirements under Annexure I.
7. Live fishes shall be handled hygienically in establishments approved in accordance with Annexure II.
8. The processor shall ensure that the persons responsible for the establishment take all necessary measures so that the specifications are complied with at all stages of processing.
9. Having satisfied itself that the establishments meet the requirements with regard to nature of the activities they carry out, the agency on an application by the establishment made to it, shall accord approval to such establishments.
10. The agency may take the assistance of representatives from Marine Products Export Development Authority (MPEDA) and Seafood Exporters Association of India (SEAI) in the matter of approval of establishment.
11. The agency shall take necessary measures if the requirements cease to be met.
12. The Council shall draw up a list of the approved establishments each of which shall have an official number assigned by it.
13. The inspection and monitoring of establishment shall be carried out regularly under the responsibility of the Agency which shall at all times have free access to all parts of the establishments and records pertaining to application of this notification in order to ensure compliance with the requirements of this notification.
14. Certification. On request from the processor or exporter, the agency shall issue Health or Veterinary certificate after satisfying that the live fishes are handled in approved establishments having valid approval number and after satisfying the relevant requirements.
 - 14.1 The agency shall issue certificates on request from the exporter or processor after satisfying itself that requirements of the relevant standards are met.
15. Fees.

(i) A fee of two thousand shall be paid by the establishment along with application for approval as per clause 9.

(ii) In the case of approval and monitoring system, inspection fee at the rate of 0.2% of the fee on board value subject to a minimum of five hundred rupees per consignments shall be paid by the exporter to the agency.

16. Appeal. (i) Any exporter aggrieved by the refusal of the agency to issue certificate of approval under clause 9, may within ten days of receipt of the communication for such a refusal may prefer an appeal to the appellate panel consisting of not less than three but not more than seven persons

(ii) At least two third of the total membership of the panel shall consist of non-officials.

(i) The quorum of the panel shall be-

(a) Two in case the panel consists of three members.

(b) Three in case the panel consists of four or more members.

(ii) The decision of the panel on such appeal shall be final.

ANNEXURE- I

(REQUIREMENTS DURING AND AFTER LANDING)

1

Unloading and landing equipment shall be constructed of material which is easy to clean and disinfect, and shall be kept in good state of repair and cleanliness.

2

During unloading and landing, contamination of the live fish shall be avoided. It shall , in particular be ensured that-

i)

Unloading and landing operations proceed rapidly;

ii)

'live fish' are placed without unnecessary delay in a protected environment at a temperature required on the basis of the nature of item and where necessary in ice, during transport, storage or in an establishment;

iii)

Equipment and handling practices that cause unnecessary damage to the live fish are not used.

3

Parts of auction or wholesale markets where live fish are displayed for sale shall-

i)

be covered and have walls, which are easy to clean;

ii)

be equipped with sanitary facilities with an appropriate number of wash basins and flush lavatories. Wash basins shall be supplied with materials for cleaning the hands and single use hand towels;

iii)

have water proof flooring , which is to say to wash and disinfect, and laid in such a way to facilitate the drainage of water and have a hygienic waste water disposal system;

iv)

be well lit to facilitate the inspection of live fish.

v)

not be used for other purposes ; vehicle emitting exhaust fumes which may impair the quality of the live fish shall not be admitted to markets; undesirable animals shall not be admitted;

vi)

be cleaned regularly and at least after each sale; container shall after each sale , be cleaned and rinsed inside and outside with potable water or clean seawater, which required, they shall be disinfected;

vii)

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

viii)

have facilities to provide adequate water supplies;

ix)

have special watertight receptacles made corrosion resistant materials for live fish which are unfit for human consumption.

4

After landing, where appropriate, live fish shall be transported without delay at a proper temperature.

5

The general conditions of hygiene laid down in ANNEXURE-II, Paragraph-II with the exception of point 2.1.1 shall apply mutatis mutandis to the markets in which "live fish' are displayed for sale.

6

The wholesale markets in which live fish are displayed for shall be subject to the same conditions as those laid down in paragraph 1 of ANNEXURE –II

7

The general conditions of hygiene laid down in ANNEXURE-II, Paragraph 2 shall apply mutatis mutandis to wholesale markets.

ANNEXURE- II

I. GENERAL CONDITIONS RELATING TO PREMISES , BUILDING AND EQUIPMENT

1. Premises and building

1.1

The immediate approaches of the handling areas shall be concreted or tarred or turfed to prevent wind blown dust.

1.2 The establishment shall be housed in a building of permanent nature affording sufficient protection from normal climatic hazards like wind blown dust and rain and shall be sufficient size for work carried out under adequate hygiene conditions. Their design and layout shall be such as to preclude contamination of live fishes. Clean and contaminated parts of the building shall be properly separated.

1.3 The food handling areas shall be completely separated from the area used for residential purpose.

1.4 The layout of different sections shall be in such a way as to facilitate the smooth and orderly flow of work to prevent possible cross contamination.

1.5 There shall be adequate natural or artificial lighting. The bulbs and tubes shall have protective covering.

1.6 There shall be adequate facilities for natural mechanical ventilation system to provide fresh air. Ventilation opening shall be provided with fly proofing arrangements.

2. Fly-Proofing vermin and animal control

2.1 The areas including the live fish receiving and storing area shall be provided with effective fly-proofing arrangements. Suitable steps shall also be taken to prevent the entry of insects, rodents, birds and animals into the handling area.

3. Receiving area

3.1 There shall be adequate facility sufficiently protected from extraneous contamination to unload the live fish before being taken to the receiving area.

3.2 The area in which the live fish is received and stored shall be so separated from the area in which the item is packed for export so as to eliminate contamination.

4. Ceiling, wall and floor of workrooms

4.1 The floor of the live fish handling area shall be water proof, easy to clean and disinfect and laid down in such a way as to facilitate, the drainage of the water easily or provided with equipment to remove water. There shall be no water stagnation on the floor.

4.2

The internal walls of the handling area shall be durable and have smooth surface which are easy to clean and impermeable, waterproof and light colored.

4.3

Walls shall be free from projection and all pipes and cables shall be neatly covered.

4.4

Wall to wall and wall to floor junctions shall be rounded off to facilitate proper cleaning.

4.5

Ceiling shall be free from cracks and open joints and shall be smooth, water proof, light colored and easy to clean.

4.6 All doors and windows shall be durable and made of corrosion resistant material and shall be of self-closing type and easy to clean with fly proofing arrangements.

4.7

All windows sills shall be sloping inwards.

4.8

All entry point into the handling area shall be provided with feet washing pit of suitable size and the water be changed at frequent intervals.

4.9

All entry points into the handling area shall be provided with adequate facilities for cleaning and disinfecting hands.

4.10

Instruments and working equipments such as tables, containers and other utensils used shall be of smooth corrosion resistant materials, easy to clean and disinfect.

4.11

Utensils used for inedible or contaminated materials shall be identified by specific mark or color or shape and shall not be used for handling live fish. Adequate waste receptacles shall be provided for frequent removal of waste from the working areas.

II. GENERAL CONDITIONS OF HYGIENE

1. General conditions of hygiene applicable to premises and equipments.

1.1 Floors, walls and partitions, ceilings or roof linings, equipments and instruments used for working on live fish shall be of satisfactory state of cleanliness and repair, so that they do not constitute a source of contamination of the item.

1.2 Rodents, insects and any other vermin shall be systematically exterminated in the premises or in the equipments. Rodenticide, insecticides, disinfectants and any other potentially toxic substances shall be stored in premises or cupboards which can be locked and their use shall not present any risk of contamination of the live items.

1.3 Working areas, instruments and working equipment shall be used only for work on live fish. However, on authorization by the agency, they may be used for work on other foodstuffs also.

1.4 Potable water or clean seawater must be used for all purposes. However, by way of any exception, non potable water may be used for steam production, fire-fighting and the cooling of refrigeration equipment, provided that the pipes installed for the purpose preclude the use of such water for other purposes and present no risk of contamination of the products.

1.5 Detergents, disinfectant and similar substances must be approved by the competent authority and used in such a way that they do not have adverse effects on the machinery, equipments and items.

2. General conditions of hygiene applicable to staff:

2.1 The highest possible standard of cleanliness is required of staff. More specifically :

2.1.1 Staff shall wear suitable clean working clothes and headgear, which completely encloses the hair. This applies particularly to persons handling live fish;

2.1.2 Staff assigned to the handling and packing of live fish shall be required to wash their hands at least each time work is resumed as on the hands shall be covered by a water proof dressing;

2.1.3 Smoking, spitting, eating and drinking in the storage handling and packing area shall be prohibited.

2.2 The employer shall take all the requisite measures to prevent persons liable to contaminate live fishes from working on and handling them until there is evidence that such persons can do so without risk

When recruited, any person working on and handling live fishes shall be required to prove by a medical certificate that there is no impediment to such employment. The medical supervision of such a person shall be governed by the national legislation in force.

3. General health checks of the live items

3.1 Containers or tanks in which items are stored shall be maintained in good condition.

3.2 The tank should be provided with mechanical, biological or chemical filtration system to clean the water and remove toxic nitrogen compounds.

3.3 Devices to maintain proper level dissolved oxygen may be provided in order not to damage the live fishes stored wherever applicable.

3.4 Appropriate water circulation or aeration or supplementary oxygen system is to be provided wherever needed.

3.5 The water temperature is to be adequately controlled especially when live items are for thermal tranquilization.

3.6 Live fishes, during storage and transport, shall be kept under most suitable survival conditions.

3.7 Before the live fish are packed for export, they must be subjected to a visual inspection. These items shall be observed to detect any changed behavior like erratic swimming movement, resting near margins, loss of balance etc. in addition to excessive or lack of mucus secretion, change in normal pigmentation corrosion of scales, fins, lesions on the body shedding of claws physical damages etc as the case may be. It must be checked for fungi or parasite infections that are visible. The live fish shall be deposed of in such a way that it will not be used for export.

3.8

Live fish for export must be caught from pollution free aquatic environment. Without prejudice to the rules concerning water protection and management and in particular those concerning pollution of the aquatic environment, the fish must not contain contaminants present in the aquatic environment such as heavy metals and organ chlorinated substances as such a level that the calculated dietary intake exceeds the acceptable daily or weekly intake for humans.

4 Packaging and transport

4.1 Packing shall be carried out under satisfactory conditions of hygiene to preclude contamination of the live fish. If transported by air, packages should meet the IATA standards.

4.2 Packaging materials liable to enter into contact with live fish shall comply with all the rules of hygiene.

4.3 Before shipping, packages should not be exposed to adverse weather conditions.

4.4 The transport conditions of live fish to be exported shall be such that they do not adversely affect the product.