

FOOD (ISSUANCE OF HEALTH CERTIFICATE FOR EXPORT OF FISH AND FISH PRODUCT TO THE EUROPEAN UNION) REGULATIONS 2009

PU(A) 092/2009

IN exercise of the powers conferred by section 34 of the **Food Act 1983**[Act 281], the Minister makes the following regulations:-

28 February 2009

1. Citation

These regulations may be cited as the **Food Export (Issuance of Health Certificate for Export of Fish and Fish Product to the European Union) Regulations 2009**.

2. Interpretation

In these Regulations:-

"fish" has the same meaning as that assigned to it in the **Fisheries Act 1985**[Act 317];

"European Union requirements" means any requirement imposed by the European Union relating to issuance of health certificate in respect of fish and fish product;

"fish product" includes all edible forms, parts and products of fish;

"competent authority" means any officer of the Food Safety and Quality Division of the Ministry of Health, Malaysia or any officer of the Food Safety and Quality Unit of the State Health Department, designated by the Minister for the purposes of these Regulations.

3. Compliance with European Union requirements

Any person who intends to export any fish and fish product to the European Union shall comply with the European Union requirements.

4. Application for health certificate

(1) Any person who intends to export any fish and fish product to the European Union shall apply for a health certificate in writing to the competent authority for each consignment of the fish and fish product.

(2) The applicant under subregulation (1) shall make a declaration that he obtained his supply of fish from, or his supply of fish product from fish supplied by an owner of a culture system in respect of which a fish quality certificate under the **Fisheries (Quality Control of Fish for Export to the European Union) Regulations 2009**[P.U. (A) 91/2009] has been issued and is still valid.

5. Issuance of health certificate

(1) The competent authority may, after considering an application for a health certificate under subregulation 4(1) and upon being satisfied with the declaration made under subregulation 4(2) and that the applicant has complied with the European Union requirements, issue a health certificate.

(2) The health certificate under this regulation shall only be issued for the consignment of fish and fish product to which it relates.

6. Revocation of health certificate

The competent authority may at any time revoke the health certificate issued under regulation 5 if the person to whom the health certificate is issued breaches any of the European Union requirements.

7. Power of officer of the Food Safety and Quality Division of the Ministry of Health, Malaysia and the Food Safety and Quality Unit of the State Health Department

(1) The competent authority shall have the following powers for the purposes of these Regulations:-

(a) to perform official control as prescribed in the European Union requirements;

(b) to inspect export premises;

(c) to inspect vehicles used to transport fish and fish product to export premises;

(d) to inspect ice producers from whom the supply of ice for the purposes of the consignment of fish and fish product for export is obtained;

(e) to inspect refrigerated stores used to store any consignment of fish and fish product for export;

(f) to inspect premises where semi-processed raw materials of fish and fish product for export may be found; and

(g) to inspect sources from where raw materials of fish and fish product are imported for export.

(2) In this regulation, "export premises" means any premises or facility where fish and fish product are prepared for export to the European Union.