

No. 339

24 April 2015

**NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS ACT
(Act 5 of 2008)**

**AMENDMENT OF THE COMPULSORY SPECIFICATION FOR FROZEN
FISH, FROZEN MARINE MOLLUSCS AND FROZEN PRODUCTS DERIVED
THEREFROM - VC 8017**

I, Dr. Rob Davies, Minister of Trade and Industry, under Section 13 (1) (a) of the National Regulator for Compulsory Specifications Act (Act 5 of 2008) hereby declare the amendment of the Compulsory Specification as set out in the attached schedule, with effect six (6) months from the date of publication of this notice.



Dr Rob Davies, MP
Minister of Trade and Industry

SCHEDULE**VC 8017****COMPULSORY SPECIFICATION FOR FROZEN FISH, FROZEN MARINE
MOLLUSCS AND FROZEN PRODUCTS DERIVED THEREFROM****1 SCOPE**

1.1 This Compulsory Specification applies to the handling, preparation, processing, packing, transportation, freezing, storage and quality of frozen fish, marine molluscs, and products derived therefrom, for human consumption, which are to be offered for sale.

2 DEFINITIONS

2.1 For the purposes of this Compulsory Specification the definitions in the latest edition of SANS 585: *'The production of frozen fish, marine molluscs, and products derived therefrom'*, shall apply.

2.2 In addition, the following definitions shall apply:

2.2.1 **applicant:** a handler, processor, packer, transporter, importer or exporter applying for approval of the product and/or factory or establishment. The handler, processor, packer, transporter, importer or exporter shall be established within the Republic of South Africa.

2.2.2 **approval:** confirmation by the NRCS that the product and/or factory satisfies the requirements of this Compulsory Specification.

2.2.3 **conformity of production:** satisfactory evidence that the handling, preparation, processing, packing, transportation, freezing, storage and quality of frozen fish, marine molluscs, and products derived therefrom produced for sale continues to conform to the requirements of this Compulsory Specification.

2.2.4 **DAFF:** the Department of Agriculture, Forestry and Fisheries.

2.2.5 **factory/establishment:** South African based premises or fishing vessels on or in which fish or fish products are handled and treated to prepare them for commercial purposes. Fish shops (over the counter sale shops), hotels, boarding houses, restaurants or other eating houses, as well as entities where the core business are the transportation of goods, are excluded from the scope of this Compulsory Specification.

2.2.6 HACCP (Hazard Analysis and Critical Control Point): a system which identifies, evaluates, and controls hazards that are significant to food safety.

2.2.7 NRCS: the National Regulator for Compulsory Specifications as established by the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008).

2.2.8 product safety management system: a food safety management system implemented by a factory based on the principles of HACCP as recommended by the Codex Alimentarius Commission.

3 GENERAL ADMINISTRATIVE REQUIREMENTS

3.1 All frozen fish, marine molluscs, and products derived therefrom to be offered for sale shall comply with the requirements of this Compulsory Specification.

3.2 The factory / establishment for the production for frozen fish, marine molluscs, and products derived therefrom shall be pre-approved by the NRCS for conformity of production requirements as prescribed in Annex A.1. Such approval shall be reviewed annually or more frequently.

3.3 The factory / establishment shall not dispatch frozen fish, marine molluscs, and products derived therefrom without a valid NRCS approvals document for the factory / establishment: Provided that in the case of locally produced products originating from the NRCS approved facilities, a consignment may be released into the trade without the NRCS pre-inspection.

3.4 Application for official approval of the product(s) shall be made to the NRCS for every consignment of frozen fish, marine molluscs, and products derived therefrom which are imported into South Africa in accordance with the requirements of Annex A.2.1.

3.5 Application for approval required for export or any other purposes as required by the applicant, shall be made in accordance with the requirements of Annex A2.2.

3.6 The factory / establishment shall provide the NRCS with satisfactory evidence of conformity of production on request.

3.7 The factory / establishment shall inform the NRCS in writing of any change in process of production affecting any mandatory requirement of this Compulsory Specification. In the event of such change/s the NRCS may, at its discretion, demand the submission of fresh evidence of conformity or a new application for approval.

3.8 The factory / establishment shall immediately report to the NRCS in writing any failure, of whatever nature, to conform to the requirements of this Compulsory Specification.

3.9 A factory / establishment that is suspended must re-apply to the NRCS within three months of the date of suspension for a reassessment; otherwise approval for the establishment to operate in terms of this Compulsory Specification will be withdrawn.

3.10 A factory / establishment shall notify the NRCS when closing down within a period of three months.

3.11 A factory / establishment shall immediately notify the NRCS when it is no longer maintaining a product safety management system.

3.12 The testing of frozen fish, marine molluscs, and products derived therefrom against the requirements of this Compulsory Specification shall be done by test facilities that are accredited to use the referenced test methods. In the case where there are no test facilities available that are in compliance with the foregoing, the NRCS shall determine which facilities can be used in terms of its conformity assessment policy.

3.13 The NRCS shall issue health guarantees for export purposes, where required, in accordance with the requirements of the country of destination as prescribed in Annex B.

4 SPECIFIC REQUIREMENTS

4.1 The handling, preparation, processing, packing, transportation, freezing, storage and quality of frozen fish, marine molluscs, and products derived therefrom, as well as the requirements for the ingredients, glazing, freezing and frozen storage, shall comply with the requirements of the latest edition of SANS 585.

4.2 The principles of HACCP, as recommended by the Codex Alimentarius Commission, shall as a minimum be used for the implementation of a product safety management system.

4.3 All local raw molluscan shellfish for processing shall be obtained from a source that has a valid permit from DAFF to either harvest, grow, process or supply molluscan shellfish.

4.4 In the event of an amendment or updating of the SANS 585 standard, the factory / establishment shall be in compliance with the amended or updated requirements within six months of publication of the amended or updated standard. If

evidence of compliance to such amendments or updates cannot be provided, the approval of the factory / establishment may be withdrawn.

5 MARKINGS

Frozen fish, marine molluscs, and products derived therefrom shall be marked in accordance with the requirements of the latest edition of SANS 585, and shall include the official factory / establishment number issued by the NRCS in accordance with section A 1.5 of this Compulsory Specification.

ANNEX A

(Normative)

A.1 APPLICATION FOR APPROVAL OF THE FACTORY / ESTABLISHMENT

The applicant shall apply to the NRCS for approval of the factory / establishment. Approval of a factory / establishment shall be valid for a maximum period of one year. The applicant shall reapply for approval every following year. The application shall be accompanied by the following:

A.1.1 Details of the factory / establishment for which approval is sought;

A.1.2 Documentation and records in support of an effective product safety management system. For new factories / establishments, provisional approval may be given for a period of three months in order to generate the required documentation and records;

A.1.3 Information required by the NRCS for the measures taken by the applicant to ensure ongoing conformity with the requirements of this Compulsory Specification;

A.1.4 Any reasonable additional information to clarify the application as requested by the NRCS; and

A1.5 The NRCS shall issue an official factory / establishment number on approval of the factory / establishment.

A.2 APPLICATION FOR APPROVAL OF THE PRODUCT

The applicant shall apply to the nearest NRCS regional office for approval of the product(s). The application shall be made at least 10 working days prior to the date on which it is needed. The application shall be accompanied by the following:

A.2.1 For imported products, applicants shall supply details of the frozen fish, marine molluscs, and products derived therefrom per consignment for which approval is sought by providing the following information:

- a) Details of the importer, product, bill of entry, quantity, number of product and batch code(s), code list or bill of lading;
- b) The date and place where it will be available for inspection;
- c) Name and contact details of a contact person;
- d) The number(s) of the bill(s) of entry and the date authorized by custom officials; and
- e) The voyage number of the cargo carrier (vessel, aircraft or registration number of vehicle).

A.2.2 For locally produced products, where applicants require official approval for export or any other purposes, applicants shall supply details of the frozen fish, marine molluscs, and products derived therefrom per consignment for which approval is sought by providing information with regards to the type of approval required (e.g. certificate of compliance, health guarantee to a particular country or other specific certification for official purposes). This application shall as a minimum be made 10 working days prior to the date on which it is needed.

A.2.3 Where relevant, the applicable rights and permits as required by DAFF;

A.2.4 Details of the markings used on the packed product(s);

A.2.5 Where required by the NRCS, guarantees that the product(s) complies with the prescribed testing requirements. The NRCS may also request that specific testing be performed; and

A.2.6 Any reasonable additional information to clarify the application as requested by the NRCS.

A.3 GRANTING OF APPROVAL

A.3.1 The NRCS shall issue an approvals document, as is applicable for the factory / establishment, imported products or products destined for export, to the applicant when all the requirements of this Compulsory Specification have been met.

A.3.2 The NRCS shall assign a unique number to each approvals document.

A.3.3 An approvals document shall be the sole proof of approval by the NRCS.

A.4 WITHDRAWAL OF APPROVAL

A.4.1 Any approval granted in respect of frozen fish, marine molluscs, and products derived therefrom or the factory / establishment pursuant to this Compulsory Specification may be withdrawn at any time without prior notice, if compliance with the requirements of this Compulsory Specification has not been maintained.

ANNEX B

(Normative)

B.1 HEALTH GUARANTEES FOR EXPORT

B.1.1 The NRCS may provide health guarantees to authorities in countries to which products are exported at the request of exporters, if products have been handled, prepared, processed, packed, transported, frozen, stored, and quality are in accordance with the requirements of this Compulsory Specification and/or the requirements of the country of destination. In terms of requirements, all sections of the handling and processing chain are to be in compliance and, where appropriate, random samples may be taken for verification purposes. No health guarantees will be issued for foreign products.

B.1.2 Health guarantees shall only be issued to approved factories / establishments appearing on the official lists drawn up by the specific countries or trade blocks requiring such guarantees.

B.1.3 As required, finally prepared and packed frozen fish, marine molluscs, and product derived therefrom shall be monitored on the basis of random testing and surveillance programmes.

B.1.4 For the issuing of health guarantees, it is required that for every consignment:

- a) The product originates from factories / establishments approved by the NRCS in terms of the requirements of this Compulsory Specification;
- b) All products and product codes are reflected in the request for export; and
- c) The product covered by such a guarantee is fully traceable to its origin.