

*Government Notice No. 147 of 2009***THE FISHERIES AND
MARINE RESOURCES ACT 2007****Regulations made by the Minister under section 74
of the Fisheries and Marine Resources Act 2007**

1. These regulations may be cited as the Fisheries and Marine Resources (Export of Fish and Fish Products) Regulations 2009.
2. In these regulations –
 - “Act” means the Fisheries and Marine Resources Act 2007;
 - “applicant” means a person who applies to the competent authority under regulation 4(2);
 - “authorised officer” means any officer appointed as such by the Permanent Secretary;
 - “competent authority” means the Division of Veterinary Services (DVS) of the Ministry responsible for the subject of agriculture;
 - “registered person” means a person who is issued with a registration certificate under regulation 4(5);
 - “registration certificate” means a certificate issued under regulation 4(5).
3. These regulations shall not apply to –
 - (a) the export of any fish sample intended for laboratory analysis; or
 - (b) the export of fish or fish products, not exceeding 2 kilograms, which are intended for personal consumption.
4. (1) No person shall –

- (a) export from Mauritius any consignment of fish or fish products, unless –
 - (i) he is registered with the competent authority;
 - (ii) he is issued with a permit as required under section 25 of the Act; and
 - (iii) he is issued with an export health certificate in respect of that consignment;
- (b) store or process fish or fish products intended for export, unless he is registered with the competent authority.

(2) (a) A person shall apply to be registered with the competent authority in such form as it may determine.

(b) An application made under subparagraph (a) shall be accompanied by the appropriate non-refundable processing fee specified in the First Schedule.

(3) On receipt of an application under paragraph (2), the competent authority may require the applicant to submit such additional information as may be necessary to consider his application.

- (4) The competent authority may –
- (a) grant the application where the applicant complies with the criteria specified in the Second Schedule; or
 - (b) reject the application where the applicant –
 - (i) is convicted of an offence under, or fails to comply with, the Act or these regulations;
 - (ii) does not comply with the criteria specified in the Second Schedule; or

(iii) is not a fit and proper person.

(5) Where the competent authority grants the application, it may issue a registration certificate to the applicant on payment of the appropriate registration fee specified in the First Schedule and on such terms and conditions as it may determine.

(6) The registration certificate shall be valid for a period of one year, starting from 1 January to 31 December in a year.

(7) Subject to paragraph (8), a registered person shall, every year, renew his registration certificate on payment of the appropriate renewal fee specified in the First Schedule.

(8) The competent authority may suspend, cancel or refuse to renew the registration certificate of a registered person where he –

- (a) is convicted of an offence under, or fails to comply with, the Act or these regulations;
- (b) no longer complies with the criteria specified in the Second Schedule; or
- (c) is no longer a fit and proper person.

(9) (a) Where a registration certificate is not renewed, or is suspended or cancelled, the competent authority shall notify the registered person of its decision and its reasons thereof.

(b) The registered person may, after being notified under subparagraph (a), make representations to the Permanent Secretary within 14 days of the notification.

(c) The Permanent Secretary may, after representations have been made under subparagraph (b), confirm, reverse or alter the decision of the competent authority.

5. (1) The competent authority may, for the purposes of

determining whether a registered person is complying with the Act or these regulations, carry an audit inspection of the activities of the registered person.

(2) Where the competent authority carries an audit inspection, the registered person whose activities are inspected shall pay to the competent authority the appropriate audit fee specified in the Third Schedule.

6. (1) A registered person shall apply for an export health certificate to the competent authority in such form as it may determine.

(2) On receipt of an application under paragraph (1), the competent authority may require the registered person to submit such additional information as may be necessary, including, in particular, certification of compliance by the registered person with the standards applicable in the importing country.

(3) (a) Where a registered person complies with the standards applicable in the importing country, the competent authority may, on payment of the appropriate fee specified in the First Schedule, issue to the registered person the appropriate export health certificate referred to in the Fourth Schedule.

(b) An export health certificate may be amended by the competent authority subject to payment of the appropriate amendment fee specified in the First Schedule.

7. (1) (a) Where a registered person intends to –
(i) make any change in its processing activities;
(ii) construct any additional facilities; or
(iii) develop new products,

he shall apply to the competent authority for approval.

(b) Where the registered person complies with the

criteria specified in the Second Schedule, the competent authority may grant the application referred to in paragraph (1) on payment of the appropriate fee specified in the First Schedule.

8. (1) An authorised officer may, for the purposes of the Act and of these regulations, enter and inspect any building premises intended for storage or processing of fish or fish products prior to export.

(2) Where an inspection is being carried out, the authorised officer may, where a breach is suspected to have been committed under the Act or these regulations –

- (a) require any person in charge of the premises to produce any document or record kept by him in relation to his business;
- (b) seize, for the purpose of examination, any fish or fish products.

(3) For the purposes of exercising his powers under the Act or these regulations, an authorised officer may seek such assistance as may be necessary from a fishery control officer.

9. Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.

10. The Fisheries and Marine Resources (Export of Fish and Fish Products) Regulations (No.2) 2006 are revoked.

11. Any registration certificate issued under the Fisheries and Marine Resources (Export of Fish and Fish Products) Regulations (No.2) 2006, which is valid and in force at the commencement of these regulations, shall be deemed to have been issued under these regulations and shall remain valid until 31 December 2009.

Made by the Minister on 13 November 2009.

FIRST SCHEDULE
[Regulations 4, 6 and 7]**FEES**

	Rs
Processing fee	40,000
Fee for registration certificate	1,000
Fee for renewal of registration certificate	1,000
Fee for Export Health Certificate (per certificate)	500
Amendment fee to Export Health Certificate (per certificate)	300
Fee for any change in processing activities/ construction of additional facilities/development of new products	3,000

SECOND SCHEDULE

[Regulation 4(4)]

CRITERIA FOR REGISTRATION

Hygienic and sanitary conditions

1. Sanitary and hygienic conditions as stipulated by Codex Alimentarius, General Principles of food hygiene and the Code of Practice for fish and fishery products (CAC/RCP 52-2003, Rev. 2-2005) shall be complied with.
2. The requirements of the Inspection Manual for Fish, Fishery Products and Aquaculture of the competent authority shall be satisfied.
3. The hygienic and sanitary standards set out by the applicable European Union legislations shall be complied with.
4. Sanitary and hygienic requirements at all stages of production, processing, storage and distribution of fish or fish products based on HACCP principles shall be complied with.

Building

1. A building shall be located in such a place so as to preclude contamination from the surrounding environment.
2. The surroundings of a building shall be maintained free of rubbish, undergrowth and stagnant water and shall be externally fenced.
3. The layout of a building shall be designed in such a way so as to permit good food hygiene practices, including protection against contamination and, in particular, pest control.
4. Effective insect and pest control programmes shall be in place.

5. Pest proofing of premises, external entrances or exits, windows, doors and pipes shall adequately be done.
6. External opening windows of a building shall be fitted with washable fine mesh screens.
7. The doors of a building shall be fitted with plastic strip curtains.
8. Ventilation grill and ducts shall be fitted with washable mesh screens or insect proof air fitters.
9. All parts of a building shall be cleaned regularly.
10. The structures within a building shall be made of disinfected and durable materials.
11. A building shall have adequate natural or artificial lighting to enable operation in a hygienic manner.
12. Loading and unloading areas shall be covered and be protected from inclement weather conditions.
13. Distinct rooms for each activity or process shall be available.
14. The facilities for storage of fish or fish products shall be appropriate and adequate.
15. The working surfaces that come into direct contact with fish or fish products shall be in good condition, clean, disinfected, smooth, non-absorbent, inert to food, detergents and disinfectants under normal operating conditions.
16. One way flow process shall be observed.
17. The reception area shall be sufficiently large to cater for the specific operations, as appropriate.

Water supply and other facilities

1. A building shall have adequate supply of potable water with appropriate facilities for its storage, distribution and control.
2. Non-potable water lines shall be clearly identified and separated from potable water to avoid contamination.
3. Water supply lines shall be fitted with back flow devices.
4. A building shall be equipped with –
 - (a) hand washing facilities (elbow, knee or foot operated), taps, soap, dispensers and single use hand towels;
 - (b) cleaning and disinfecting facilities;
 - (c) ventilation systems to control humidity and condensation droplets.
5. A processing area shall have –
 - (a) adequate supply of potable water;
 - (b) adequate supply of hand washing facilities (elbow, knee or foot operated) taps, soap, dispensers and single use hand towels.
6. A proper drainage system shall be in place throughout the building to prevent accumulation of water.
7. An adequate number of flush lavatories shall be made available and connected to an effective drainage system.
8. Lavatories shall not open directly into rooms where fish or fish products are processed or stored.

Cold room

1. A cold room shall be equipped with a continuously temperature recording device to ensure effective temperature control.

2. The floor of a cold room shall be made of impermeable, corrosion resistant and easily washable material.
3. The ice used for chilling fish or fish products shall be safe and shall not contaminate the fish or fish products.
4. Fresh fish or fish products shall be kept at a temperature approaching that of melting ice, with a tolerance of -2°C or $+2^{\circ}\text{C}$.
5. (a) Subject to subparagraph (b), frozen fish or fish products shall be kept at a temperature of -18°C or less.

(b) Frozen fish in brine intended for the manufacture of canned food shall be kept at a temperature of -9°C or less.
6. The required cold temperature shall be maintained throughout the food chain.

Food handlers

1. Any person involved in fish handling operations shall have a Food Handlers Certificate or Medical Certificate.
2. Any person carrying out activities having an impact on food safety shall be trained and have skills and experience for proper implementation of the food safety management system and process control.
3. Food handlers shall maintain a high degree of personal cleanliness and, where appropriate, wear suitable protective clothing, head covering and foot wear.

Other requirements

1. Fish and fish products shall be properly labelled.
2. Wrapping materials and labels shall be kept separately from a processing area and raw materials.
3. Wrapping and packaging materials shall be stored in a room designated for that purpose.

4. Raw materials and final products shall be stored separately.
 5. The process steps and type of processing shall be illustrated by flow charts.
 6. The product flow shall be designed to prevent sources of contamination, minimise process delays and prevent cross-contamination of final products from raw materials.
 7. Procedures must be in place for traceability of raw materials, ingredients and products.
 8. All chemicals shall be stored away from a processing area, ideally in a separate room used only for that purpose.
 9. Sufficient locker rooms shall be available.
 10. Canteen or eating place shall cater for available number of persons and shall be maintained in a tidy manner.
 11. Vehicles used for transport of fish or fish products shall be appropriate and adequately protected in such a way so as not to contaminate the fish.
 12. Tools and equipment shall be made of materials which do not cause contamination to the fish or fish products.
 13. Equipment, containers and tools shall be made of inert-corrosion resistant materials which are easy to clean and sanitise.
 14. Food waste, non-edible by-products and other refuse shall be stored and disposed of hygienically.
 15. Containers for waste material shall be clearly identified, suitably constructed with a fitted lid and made of impervious material.
 16. Fish or fish products shall not be exposed to direct sunlight, wind, dirt or any objectionable matter during processing.
 17. No toxic fish shall be prepared or processed for export purposes.
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THIRD SCHEDULE

[Regulation 5(2)]

AUDIT FEES

	Rs
Registered person –	
1. exporting up to 25 tons of fish and fish products	5,000
2. processing/exporting 26 tons to 50 tons of fish and fish products	10,000
3. processing/exporting 51 tons to 75 tons of fish and fish products	20,000
4. processing/exporting 76 tons to 100 tons of fish and fish products	25,000
5. processing/exporting 101 tons to 150 tons of fish and fish products	30,000
6. processing/exporting 151 tons to 200 tons of fish and fish products	40,000
7. processing/exporting 201 tons to 250 tons of fish and fish products	50,000
8. processing/exporting 251 tons to 300 tons of fish and fish products	60,000
9. processing/exporting 301 tons to 500 tons of fish and fish products	75,000
10. processing/exporting 501 tons to 700 tons of fish and fish products	80,000

11.	processing/exporting 701 tons to 1000 tons of fish and fish products	90,000
12.	processing/exporting more than 1000 tons of fish and fish products	100,000
13.	operating vessels/freezer vessels/factory vessels exporting up to 300 tons of fish and fish products	25,000
14.	operating vessels/freezer vessels/factory vessels exporting 301 tons to 500 tons of fish and fish products	50,000
15.	operating vessels/freezer vessels/factory vessels exporting above 500 tons of fish and fish products	75,000
16.	exporting live ornamental fish	10,000
17.	operating cold storage facilities storing up to 100 tons of fish annually	10,000
18.	operating cold storage facilities storing 101 tons to 500 tons of fish annually	25,000
19.	operating cold storage facilities storing 501 tons to 1000 tons of fish annually	50,000
20.	operating storage facilities storing 1001 tons to 1500 tons of fish annually	75,000
21.	operating cold storage facilities storing above 1500 tons of fish annually	100,000

FOURTH SCHEDULE

[Regulation 6(3)(a)]

1. For export of fish or fish products to the European Union, the current Model Health Certificate as prescribed by the EU Regulations shall be used by the competent authority.
 2. For export of fish or fish products to countries other than the European Union, a Model Health Certificate stipulated by Codex Alimentarius or the model imposed by the importing country shall be used by the competent authority.
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