

DEPARTMENT OF TRADE AND INDUSTRY

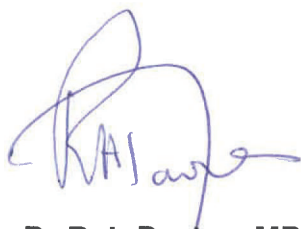
NO. 628

22 JUNE 2018

**NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS ACT
(Act No. 5 of 2008), AS AMENDED THROUGH THE LEGAL METROLOGY
ACT (Act No. 9 of 2014)**

**AMENDMENT OF THE COMPULSORY SPECIFICATION FOR CANNED FISH,
CANNED MARINE MOLLUSCS AND CANNED CRUSTACEANS AND
PRODUCTS DERIVED THEREFROM (VC 8014).**

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 withdraw the Compulsory Specification for canned fish, canned marine molluscs and canned crustaceans and products derived therefrom (Government Notice R. 790 of 9 July 2004) and replace it with 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 8014

AMENDMENT OF THE COMPULSORY SPECIFICATION FOR CANNED FISH, CANNED MARINE MOLLUSCS AND CANNED CRUSTACEANS AND PRODUCTS DERIVED THEREFROM

1. SCOPE

- 1.1. This Compulsory Specification applies to the manufacture, production, processing and treatment of canned fish, canned fish products, canned marine molluscs, canned marine molluscs products, canned crustaceans and canned crustaceans products.

2. DEFINITIONS

- 2.1 For the purposes of this Compulsory Specification, the definitions in the latest edition of *SANS (South African National Standard) 587: 'canned fish, canned marine molluscs and canned crustaceans and products derived therefrom'*, shall apply.
- 2.2 Any word or expression mentioned in this Compulsory Specification to which a meaning has been assigned in the National Regulator for Compulsory Specifications Act (Act No. 5 of 2008), as amended through Legal Metrology Act (Act No. 9 of 2014), shall have that meaning, unless the context otherwise indicates. 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 processing facility. 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 **Compulsory Specification:** Compulsory Specification is a technical regulation document published in terms of Section 13(1) (a), (b) or(c) of the NRCS Act of 2008, (Act No.5 of 2008) as amended. A compulsory Specification lays down product characteristics and/or their related processes and production methods,

including the applicable administrative provisions, with which compliance is mandatory.

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

2.2.5 DAFF: the Department of Agriculture, Forestry and Fisheries.

2.2.6 factory/processing facilities: premises preparing, handling, treating, processing, producing or packaging canned fish, canned marine molluscs and canned crustaceans and products derived therefrom, covered by this Compulsory Specification.

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

2.2.8 NRCS: the National Regulator for Compulsory Specifications, as established by the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008) as amended through the Legal Metrology Act (Act No. 9 of 2014).

2.2.9 official facility number/code: a unique identification number or code allocated to a facility, factory or establishment by the NRCS, to establishments in the Republic of South Africa.

2.2.10 OIE: World Organization for Animal Health.

2.2.11 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.

2.2.12 relevant national legislation: means the following Acts; Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972); NRCS Act 2008 (Act No.5 of 2008); Legal Metrology Act 2014 (Act No. 9 of 2014); Marine Living Resources Act 1998 (Act No 18 of 1998) and applicable regulations.

3. GENERAL ADMINISTRATIVE REQUIREMENTS

- 3.1** All canned fish, canned marine molluscs and canned crustaceans and products derived therefrom to be offered for sale, shall comply with the requirements of this Compulsory Specification.
- 3.2** The factory/processing facility for the production for canned fish, canned marine molluscs and canned crustaceans and products derived therefrom, shall be pre-approved by the NRCS for conformity of production requirements as prescribed in Annex A - A.1. A certificate of approval for the facility shall be issued by the NRCS. Such approval shall be reviewed annually, or more frequently as may be determined by the NRCS. For any other new products that were not part of the initial annual approval of the facility, the facility shall apply immediately to add new product/product ranges to the overall approved list.
- 3.3** The factory/processing facility may not dispatch canned fish, canned marine molluscs and canned crustaceans and products derived therefrom, without a valid NRCS approval certificate of compliance per each production batch for products produced in the Republic of South Africa.
- 3.4** Application for official inspection and approval of the product(s) shall be made to the NRCS for every consignment of canned fish, canned marine molluscs and canned crustaceans and products derived therefrom which are imported into South Africa, in accordance with the requirements of Annex A - A.2.
- 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 A - A.3.
- 3.6** The factory/processing facility shall provide the NRCS with satisfactory evidence of conformity of production upon request.
- 3.7** The factory/processing facility 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/processing facility shall immediately report to the NRCS in writing any failure, of whatever nature, to conform to the requirements of this Compulsory Specification.

- 3.9** Approval granted by the NRCS to a factory/processing facilities in accordance with 3.2 of this Compulsory Specification, may be suspended and/or ultimately withdrawn upon detection of non-compliance to the provisions of this Compulsory Specification or if the applicant fails to re-apply as required. Reasons of such suspension or withdrawal will be provided to the applicant in writing and the facility shall not sell the identified products. No new batch (es)/production(s) shall be produced after the suspension of the facility, until new approval is granted by the NRCS or corrective actions are concluded.
- 3.10** A factory/processing facility whose approval has been suspended, must re-apply to the NRCS in writing within three (3) 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.
- 3.11** A factory/processing facility shall notify the NRCS in writing when its operation is closing down, three (3) months before the effective date.
- 3.12** The testing of canned fish, canned marine molluscs and canned crustaceans and products derived therefrom against the requirements of this Compulsory Specification shall be done by microbiological and chemical test facilities that are accredited to use the referenced test methods or any other accredited method validated against the reference method, and giving results that are better, or at least equal, to the accuracy of the reference method. In the case where there are no test facilities available in the Republic of South Africa that are in compliance with the foregoing, the NRCS shall determine which facilities may 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. The NRCS may for the purposes of inspection and verification of products, sample products according to the regulatory risk based sampling plans.
- 3.14** There will be fees applicable as prescribed in the regulation R924 of 15 October 2010, published under the NRCS Act.

4. SPECIFIC REQUIREMENTS

- 4.1** The manufacture, production, processing and treatment of canned fish, canned marine molluscs, canned crustaceans and products derived therefrom shall comply with the requirements of the latest edition of SANS 587.
- 4.2** Manufacturers shall implement and maintain an acceptable Food Safety & Quality Management system such as the HACCP System as recommended by the Codex Alimentarius Commission.
- 4.3** In the event of an amendment or revision of the SANS 587 standard, the factory / processing facility shall be in compliance with the amended or revised requirements within six (6) months of publication of the amended or revised standard, unless otherwise declared by a special notice by the Minister. If evidence of compliance to such amendments or revisions cannot be provided, the approval of the factory / processing facility may be withdrawn.

Note: The required World Trade Organization (WTO) transparency provision will also be considered in this period.

5. MARKINGS

Canned fish, canned marine molluscs and canned crustaceans and products derived therefrom shall be marked in accordance with the requirements of the latest edition of SANS 587 and shall include the official factory / processing facility number issued by the NRCS in accordance with section A 1.5 of this Compulsory Specification. In the case of imported products, a factory/processing number/ code applicable in the country of origin shall be made available to the NRCS.

ANNEX A

(Normative)

A.1 APPLICATION FOR APPROVAL OF A FACILITY AND PRODUCT IN THE REPUBLIC OF SOUTH AFRICA

The applicant shall apply to the NRCS for approval of the factory / processing facility. Approval of a factory / processing facility shall be valid for a maximum period of one (1) year. The applicant shall reapply for approval annually.

The application shall be accompanied by the following:

- A.1.1** Details of the factory / processing facility for which approval is sought;
- A.1.2** Documentation and records in support of an effective product safety management system, as required by clause 4.1 of this Compulsory Specification and SANS 587. For new factory / processing facilities, 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
- A.1.5** The NRCS shall issue an official factory / processing facility number on approval of the factory / processing facility.

A.2 APPLICATION FOR APPROVAL OF IMPORTED PRODUCTS

The applicant shall apply to the nearest NRCS regional office as soon as the consignment is available for sampling and inspection and subsequent approval of the (imported) product (s). The applicant shall notify the NRCS within thirty (30) calendar days after the arrival of the consignment.

- A.2.1** Applicants shall supply details of the products per consignment for which inspection and approval is sought, by providing the following:
 - a)** The applicable permits as required by DAFF (including OIE Directives);
 - b)** A health guarantee certificate (Annex C) containing evidence that imported products originate from a facility approved for export in the country of origin

per consignment, for which approval is sought. The NRCS may also request that specific testing be performed;

- c) Details of the imported product, bill of entry number (SARS release), quantity, batch codes and number of product per batch code(s), code list and bill of lading;
- d) The date and place where it will be available for inspection;
- e) Name and contact details of a contact person;
- f) The number(s) of the bill(s) of entry and the date authorized by Customs Officials; and
- g) The voyage number of the cargo carrier (vessel, aircraft) or registration number of vehicle.

A.2.2 Any reasonable additional information to clarify the application as requested by the NRCS.

A.2.3 The NRCS may for the purposes of inspection and verification of products, sample such products according to the regulatory risk based sampling plans.

A.3 APPLICATION FOR APPROVAL OF EXPORT OF PRODUCTS

The applicant shall apply to the nearest NRCS regional office for approval of the product(s). The application shall be submitted at least 1 working day prior to the date on which it is needed, for products approved within the last 6 months by the NRCS and at least 10 working days for products approved in excess of 6 months. The application shall be accompanied by the following:

- A.3.1** Where applicants require official approval for export or any other purposes, applicants shall supply details of products 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).
- A.3.2** The applicable permits as may be required by DAFF;
- A.3.3** Details of the markings used on the packed product(s), as required by clause 5 of this Compulsory Specification;
- A.3.4** Where required by the NRCS, guarantees that the product(s) complies with the prescribed testing requirements outlined in the Compulsory Specifications and

referenced standards. The NRCS may also request that specific testing required by the importing country be performed;

A.3.5 Any reasonable additional information to clarify the application, as requested by the NRCS; and

A.3.6 The NRCS may, for the purposes of inspection and verification of products, sample products according to the regulatory risk based sampling plans.

A.4 GRANTING OF APPROVAL

A.4.1 The NRCS shall issue an approval certificate, to the applicant when all the requirements of this Compulsory Specification have been met.

A.4.2 The NRCS shall assign a unique number to each approval certificate.

A.4.3 An approvals certificate shall be the sole proof of approval by the NRCS.

A.5 WITHDRAWAL OF APPROVAL

A.5.1 Any approval granted in respect of canned fish, canned marine molluscs and canned crustaceans and products derived therefrom to the factory / processing facility pursuant to this Compulsory Specification may be withdrawn if compliance with the requirements of this Compulsory Specification have not been maintained. Re-applications will be treated as new applications.

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, refrigerated, 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 inspection and verification purposes.
- B.1.2** Health guarantees shall only be issued for product from approved factories / establishments requiring such guarantees. The application shall be submitted at least 1 working day prior to the date on which it is needed, for products approved within the last 6 months by the NRCS and at least 10 working days for products approved in excess of 6 months.
- B.1.3** As required, finally prepared product/s 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, product codes and volumes per product code are reflected in the request for export; and
 - c) The product covered by such a guarantee is fully traceable to its origin including the requirements as per movement document issued by DAFF where applicable.
- B.1.5** No health guarantees will be issued for foreign product where the anatomical wholeness has not been changed in South Africa.

ANNEX C

C.1 HEALTH GUARANTEES FOR IMPORTED FISH AND FISHERY PRODUCTS REGULATED UNDER THE NRCS

(ON AUTHORITY'S OFFICIAL LETTERHEAD)

Reference no.

Country of dispatch:

Competent Authority:

Inspection Authority:

I. Identification of products

True description of product:

-Scientific name:.....

-Presentation of product and type of treatment:.....

Batch Identification Marks /Code/s

Type and Manner of Packaging:

.....

Number of Packages/Units

Net weight

Gross

weight

Temperature: ChilledFrozenAmbient

.....

II. Origin of Products

Name and address of approved factories/establishments/facilities

.....

Approval number:.....

Place

of

loading/

dispatch:.....

III. Destination of products:

Country of destination:.....

Port of entry

Transport details:.....Sea Freight / Air freight /Other

Container number / Flight details :

Seal number/ air waybill number :.....

**Consignor name and
address:.....**

Consignee name and address:

IV. Health attestation

The official inspector hereby certifies that:

1. The fish and fishery products specified above, have been farmed (where applicable), processed, packed and stored in a facility/ies approved by the Competent Authority.
2. The fish and fishery products comply/ies with the particular CODEX Standard for the specific product/s or where there is no such Standard, with the Compulsory Specifications/Technical Regulations legislated by the Republic of South Africa in terms of the National Regulator for Compulsory Specifications Act, 2008 (Act No.5 of 2008) as amended through the Legal Metrology Act, 2014 (Act No. 9 of 2014). and contained and referenced in the Compulsory Specification.
3. The processing plant and where applicable, aquaculture farms specified above, is/are subject to regular inspection/audit by the Competent Authority in that country to ensure that production, processing practices and food safety systems are in compliance with requirements of the most updated versions of the general CODEX Principles for Food Hygiene and HACCP (CAC/RCP- 1969) as well as with the CODEX Code of Practice for Fishery Products (CAC/RCP 52-2003) and any animal health requirements to be controlled in terms of OIE Directives.
- 4 All products imported into the Republic of South Africa in terms of this Compulsory Specification shall comply with marking requirements as prescribed by the relevant National Legislations.
- 5 The products above:
 - 5.1 are free from microorganisms or substances originating from microorganisms in amounts as prescribed by relevant national legislation;
 - 5.2 shall not contain any other substances in amounts that may present a hazard to human health in accordance with relevant National Legislation.

Signed at

.....

Name and qualifications of official Inspector

.....

Signature of official Inspector

.....

Official Stamp with date