(Arrangement of Regulations)

Model Aquatic Food Safety Regulations, 20[ ]

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[CARICOM MODEL AQUATIC FOOD SAFETY REGULATIONS]

THE FOOD SAFETY ACT

AQUATIC FOOD SAFETY REGULATIONS, 20 [ ]

In exercise of the powers conferred upon the Minister by section 122 of the Food Safety Act and of every other power hereunto enabling, the following Regulations are made:

PART I

Preliminary

Citation and commencement

1. (1) These Regulations may be cited as the Aquatic Food Safety Regulations, 20[ ].

(2) These Regulations shall come into force on [*insert date*].

Interpretation

2. In these Regulations unless the context otherwise requires -

"acts of obstruction" include –

(a) without reasonable cause, failing to give any person acting in the execution of these Regulations any assistance or information;

(b) without reasonable cause, failing to provide facilities to any person acting in the execution of these Regulations which that person may reasonably require for the performance of his functions under these Regulations;

(c) knowingly or recklessly giving false or misleading information to any person acting in the execution of these Regulations; and

(d) without reasonable cause, failing to produce any document or record when required to do so by any person acting in the execution of these Regulations;

"amenities" includes toilets, showers, locker rooms, change rooms, canteens, kitchens, smoking rooms for staff and sleeping quarters on a vessel;

"approved production area" means an area of fisheries waters or an area of inland waters that is demarcated under regulation 27(2) as an approved production area;

"approved sewage or waste treatment plant" in relation to a factory vessel, means a sewage or waste treatment plant that is approved and certified by –

(a) [*insert name of national authority*] in accordance with [*insert provision references and name of enactment*];[2] or

(b) an authority equivalent to [*insert name of national authority*] in the State whose flag the factory vessel flies[3];

"aquaculture" has the meaning assigned under the [*Aquatic Animal Health Act*] [*Fisheries Act*];

"aquaculture establishment" means an aquaculture production business or a processing establishment;

[2] When drafting national legislation, the enacting Member State should refer to the name and provisions of the enactment that gives the force of law in the Member State to the 2012 Guidelines on Implementation of Effluent Standards and Performance Tests for Sewage Treatment Plants under Resolution MEPC. 227 (64) adopted on 5 October 2012 and as amended by Resolution MEPC. 284. (70), adopted on 28 October 2016. The 2012 Guidelines are a part of the framework under Annex IV of the International Convention for the Prevention of Pollution from Ships (MARPOL). All CARICOM Member States, except Hait, are parties to MARPOL. The Guidelines establish the standards for the performance and testing of sewage treatment plants on ships to meet MARPOL Annex IV requirements. Approvals of sewage or waste treatment plants would be issued by an authority so empowered under the enactment that gives force of law to the 2012 Guidelines.

[3] Paragraph (b) of this model reflects paragraph 3 of the Preamble to the 2012 Guidelines on Implementation of Effluent Standards and Performance Tests for Sewage Treatment Plants under MARPOL. Paragraph (3) states "[*The Marine Environment Protection Committee*] ALSO INVITES Governments to issue an appropriate 'Certificate of type approval for sewage treatment plants' as referred to in paragraph 5.4.2 and the annex of the 2012 Guidelines and to recognize certificates issued under the authority of other Governments as having the same validity as certificates issued by them".

"aquaculture production business" means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to the rearing, keeping or cultivation of aquatic animals, aquatic plants;

"aquatic animal" means an animal that permanently or intermittently inhabits an aquatic environment;

"aquatic environment" means the sea [ocean], an inland body of water or an aquaculture establishment;

"aquatic food" means fresh, chilled or frozen fish, molluscs, crustaceans and other aquatic animals, aquatic plants, algae, aquatic products and their by-products, from aquaculture, including mariculture, inland fisheries or marine fisheries, intended for human consumption;

"aquatic plant" means a plant that grows in an aquatic environment, and includes algae;

"aquatic product" means an aquatic animal, aquatic plant or algae, a product derived from an aquatic animal, aquatic plant or algae or an aquatic animal-related item;

"batch" means a quantity of aquatic food or fishery product of the same type consisting of one or more lots, or parts of lots –

(a) from the same –
    (i) licensed processing establishment;
    (ii) licensed fishing vessel; or
    (iii) approved production area; and
(b) obtained under practically identical circumstances;

"carrier vessel" means any motorised vessel, fishery or fishing boat or ship used only for carriage of fishery products, inland products or marine products or their by-products;

“chilled”, in relation to aquatic food, means cooled by a process so that the temperature of the product is held between +10 ° Celsius and +4° Celsius;

“clean sea water” means sea water or brine water which is free from, sediments microbiological contamination, harmful substances and toxic marine plankton in such quantities as may affect the health and safety of fishery products and is used in accordance with the conditions set out in these Regulations;

“consignment” means any quantity of aquatic food or their by-products harvested or handled in a licensed processing establishment or a licensed fishing vessel and intended for export;

“container”, in relation to aquatic food or fishery product, means the principal covering in which the aquatic food or fishery product is packed;

“crustacean” has the meaning assigned under the [*Aquatic Animal Health Act*] [*Fisheries Act*];

“distribution system” means a system to carry potable water from its primary source to its point of use, including pipework, fittings, appliances, pumps, valves, storage tanks, reservoirs, meters and fittings;

“echinoderm” has the meaning assigned under the [*Aquatic Animal Health Act*] [*Fisheries Act*];

“equipment” includes machines, machinery, fixed or moveable devices, implements, apparatus, utensils, appliances, attachments, fittings and fixtures, gears, gadgets, tackles, accessories and contraptions;

“factory vessel” means a licensed fishing vessel which is operated as a licensed processing establishment;

“fish” has the meaning assigned under the [*Aquatic Animal Health Act*] [*Fisheries Act*];

“fisheries waters” means all waters within the exclusive economic zone and territorial sea of [*insert name of country*];

“fishery product” includes aquatic products, fresh-water products, marine products and their by-products;

“fishing activity” –

(a) means catching, attempting to catch, collecting or attempting to collect an aquatic animal or aquatic plant in fisheries waters; and

(b) includes the killing, gathering and destruction of an aquatic animal or aquatic plant, otherwise than by an inspector under an emergency control notice served under regulation 41(1);

“fishing vessel” means a fishing vessel which falls within a category of fishing vessel as determined by the Minister under regulation 3 (1) (c);

“fresh-water product” means an aquatic product which is harvested from inland waters in which salinity does not normally exceed 0.5%;

“frozen”, in relation to fishery products, means frozen in such a manner that the core temperature is -18° Celsius, or lower, after temperature stabilization;

“HACCP plan” means a written document which is based upon the principle of Hazard Analysis Critical Point and which delineates the procedures to be followed;

"Hazard Analysis Critical Point” means a management system in which food safety is addressed through the analysis and control of biological, chemical and physical hazards from raw material production, procurement and handling, to manufacturing, distribution and consumption of the finished product;

“health mark” means a mark affixed by the operator of a licensed processing establishment to the package in which an aquatic product is stored which asserts that

the aquatic product has been produced in accordance with these Regulations and the [Food Safety Act][4];

"in writing" –

(a) means any expression consisting of words, figures or images which can be read, reproduced and communicated; and

(b) includes information transmitted and stored by electronic means;

"inland fisheries" has the meaning assigned under the [*Aquatic Animal Health Act*] [*Fisheries Act*];

"inspector" means a food inspector appointed under [section 13 of the Act][5];

"licensed fishing vessel" means a fishing vessel licensed[6] under regulation 8;

"licensed processing establishment" means a processing establishment, the operator of which is licensed under [section 35 of the Food Safety Act] to process aquatic food;

"marine biotoxin" means any toxin produced by a living marine organism, including toxins in shellfish "paralytic shellfish poisoning" and marine fish "Ciguatera", either produced naturally or accumulated from the living marine organism's diet;

"marine fisheries" has the meaning assigned under the [*Aquatic Animal Health Act*] [*Fisheries Act*];

"marine product" means an aquatic product harvested from marine or estuarine water;

[4] These model Regulations are made under the CARICOM-approved model Food Safety Bill. Member States are to insert the name of the parent Act under which their respective Regulations, modelled on these Regulations, are made.

[5] This is a cross-reference to clause 13 of the approved CARICOM model Food Safety Bill. When drafting Regulations at the national level, Member States will insert the cross-reference to the parent Act under which food inspectors are appointed.

[6] The licensing framework for fishing vessels established in this model is specifically for the purpose of regulating food safety as it relates to aquatic food present on fishing vessels.

"mollusc" has the meaning assigned under the [*Aquatic Animal Health Act*] [*Fisheries Act*];

"monitoring" includes inspecting, measuring, sampling, analysing and auditing, whether periodically or continuously;

"non-potable water" means water that is not fit or suitable for drinking;

"noxious substance" means any chemical residue, marine biotoxin or other contaminant or prohibited substance that may cause or result in harm, destruction, damage or injury to the environment or any living marine organism;

"operate" in relation to a fishing vessel, means to use the fishing vessel –

(a) to conduct fishing activities;
(b) as a processing establishment; or
(c) for both purposes set out in paragraphs (a) and (b);

"operator" –

(a) means the owner, director, controller or other person in charge of or responsible for the operations of a processing establishment, fishing vessel, licensed processing establishment or licensed fishing vessel, as the case may be; and
(b) includes a charterer, lessee and master;

"packaging" means the procedure of protecting aquatic food and fishery products by the use of a wrapper, container or any other suitable device;

"port" includes an airport [as defined in [*insert name of enactment*]] and a seaport [as defined in [*insert name of enactment*]];

"potable water" means water that is fit or suitable for drinking;

"premises" includes –

(a) a parcel of land or place;
(b) a vehicle, vessel or other means of transport; and
(c) an installation, container or receptacle;

"processing" –

(a) means cooking, heating, smoking, salting, marinating, dehydrating, chilling, freezing, filleting, slicing, skinning, mincing, or combinations [thereof] or any other physical or chemical treatment of a fishery product; and
(b) does not include post-harvest handling;

"processing establishment" –

(a) means a food business in which fishery products are processed, packaged or stored; and
(b) does not include auction and wholesale markets in which only display and sale by wholesale takes place;

"production area" means an area of fisheries waters or an area of inland waters from which fishery products are harvested for human consumption;

"protocol" means any mandatory rules, conditions, standards or guidelines which may incorporate, in whole or in part, any rule, condition, standard or guideline approved by a public international, regional or national body or may be developed specifically for the purpose of these Regulations;

"water" means potable water and non-potable water;

"water intended for use in the processing of aquatic food" means potable water -

(a) intended for food preparation, cooking or other domestic purposes, regardless of its origin, including wells, ponds and streams, and whether it is supplied from a public or private distribution system, from a tanker, or in bottles or other containers; and

(b) used in any licensed processing establishment or vessel for the manufacture, processing, preservation or marketing of aquatic food or substances intended for human consumption; and

"wholesome", in relation to water, aquatic food or an ingredient thereof, means free from micro-organisms, parasites, disease, damage, mould, decay, contamination, deterioration or any other defect which renders the water, aquatic food or ingredients thereof, unfit for human consumption.

Application [and non-application]

3. (1) These Regulations apply –

(a) to the safety of aquatic food, whether the aquatic food is prepared or processed in a permanent or temporary structure on land, in the air or at sea;

(b) at all stages in the food chain including –

(i) production, processing, manufacturing or other preparation;
(ii) handling, sale and distribution;
(iii) importing, transiting and exporting;
(iv) transport, packaging and storage; and
(v) any other activity related to an activity referred to in sub-subparagraphs (i) to (iv); and

(c) to a fishing vessel which falls within a category of fishing vessel as the Minister, having regard to the types of information set out in Schedule 1, may determine by Order.

(2) These Regulations shall not apply to fishery products that —

(a) are ships' stores or aircraft stores, which are brought into [*insert name of country*] for the service of a ship while on a voyage, or on an aircraft on a flight to or from [*insert name of country*];

(b) have not been produced, processed or manufactured in [*insert name of country*], being items that have been imported into [*insert name of country*] and are in transit or held in bond for re-export;

(c) are imported into [*insert name of country*] and re-exported in the same covering and under the same trade description as the covering and trade description in or under which they were imported;

(d) are exported in a consignment that does not exceed—

(i) one litre in the case of liquid; or

(ii) one kilogram in any other case; or

(e) are being imported—

(i) as a commercial sample in the quantities specified in paragraph (d); and

(ii) in such circumstances as are determined by the Director of Food Safety for the purposes of assisting him in the discharge of his functions under the Act or these Regulations.

PART II

Administration

Functions and powers[7] of the Director of Food Safety[8]

4. (1) The Director of Food Safety shall be responsible for –

(a) overseeing the compliance of licensed processing establishments with the requirements of a food business as set out in the Act and the additional requirements set out in these Regulations[9];

[7] Subregulation (2) provides for both functions and powers. However, Member States have the discretion to separate the provisions into two distinct regulations where such an approach is in accordance with their settled legislative drafting norms.

[8] Under the CARICOM model Food Safety Act the Director of Food Safety is the appropriate person to perform the functions and exercise the powers set out in the Regulations.

[9] When preparing legislation, if a Member State determines that paragraph (a) conflicts with its existing environmental health practices, the Member State may make the necessary adjustments to the paragraph to remove the conflict.

(b) granting fishing vessels licences[10] to permit licensed fishing vessels[11] to process aquatic food where such vessels and their crew satisfy the requirements set out in regulation 8;

(c) conducting informational or capacity building training sessions for inspectors, food analysts, fishing vessel operators and the public on the requirements under the traceability system; and

(d) issuing record keeping requirements for licensed fishing vessel operators for the effectiveness of the food traceability system.

(2) The Director of Food Safety shall be responsible for the performance of functions and the exercise of powers by the staff of the Food Safety Service, inspectors and food analysts under these Regulations, in accordance with the Act and internationally accepted procedures.

Exercise of powers in relation to processing establishments and fishing vessels

5. (1) Subject to subsection (2), in exercising the powers and duties specified in Part VIII of the Act, an inspector shall-

(a) inspect a processing establishment, licensed processing establishment, fishing vessel or licensed fishing vessel, as the case may be, in order to—

(i) assess and make recommendations to the Director of Food Safety as to the suitability of the processing establishment or

[10] Ideally licensing provisions should be placed in the parent Act. Member States are reminded that the CARICOM model Food Safety Bill was prepared under another CARICOM Institution's consultancy and was approved by the LAC years before the Office of the General Counsel's consideration of the Consultant's draft, prepared under this matter. Therefore, the provisions of the Food Safety Bill were already settled. As the parent Bill for these Regulations, the CARICOM model Food Safety Bill, would not include the licensing provisions applicable to an aquatic food safety regime. As it is no longer possible to include the principles in the model Food Safety Bill, the provisions were placed in the Regulations to give effect to principles approved by COTED. Member States are reminded of their discretion to place the licensing provisions set out in these model Regulations in their respective parent Acts when implementing the various pieces of approved CARICOM model Sanitary and Phytosanitary legislation.

[11] A Fishing Vessel Licence records the existence of the fishing vessel and notes information regarding its ownership, flag etc.. Some Member States register vessels and but do not issue licences, with the registration being taken as having the weight of a licence. Other jurisdictions clearly distinguish between the two. As this is a model, Member States are free to adjust the provision to suit their respective national arrangements.

fishing vessel in relation to which an application is submitted for the grant of a licence under the Act and these Regulations, respectively;

(ii) determine whether the operator of the processing establishment or fishing vessel is the holder of a valid licence and other authorisations required under the Act, these Regulations and any other animal health, aquatic animal and fisheries enactments;

(iii) determine whether the licensed processing establishment or the licensed fishing vessels is being operated in accordance with the terms and conditions subject to which the licence is granted;

(iv) examine the premises, facilities, equipment and staff of the processing establishment, licensed processing establishment, fishing vessel or licensed fishing vessel, as the case may be;

(v) verify whether fishery products, aquatic food and any equipment, material or other item used or found therein are handled and treated in accordance with the Act and these Regulations;

(vi) determine whether the purification and conditioning systems in the licensed processing establishment or on the licensed fishing vessel function correctly; and

(vii) monitor the use of health marks;

(b) monitor the relay and production areas of fishery products for the purposes of—

(i) controlling any malpractice with regard to the origin and destination of fishery products;

(ii) determining the microbiological quality of live aquatic products in relation to such areas; and

(iii) detecting the presence of toxin-producing plankton, biotoxins and chemical contaminants in fishery products;

(c) monitoring the implementation of any plans or schemes established by the Food Safety Service;

(d) examining any aquatic food or fishery product;

(e) certifying aquatic food for export;

(f) taking samples[12] of any aquatic food, fishery product or any other article, from any place within a licensed processing establishment or licensed fishing vessel to determine whether proper sanitary conditions are being maintained;

(g) inspecting any container or vehicle which is used or intended to be used for the storage or transportation of aquatic food or fishery product;

(h) opening and examining any container or vehicle or other storage device at a processing establishment, licensed processing establishment, on a fishing vessel or licensed fishing vessel which is reasonably believed to contain aquatic food or a fishery product;

(i) tagging—

(i) aquatic food, fishery product and any container or package in which they are stored, which contravenes, or which the inspector reasonably believes to contravene, the requirements of the Act or these Regulations; and

(ii) any equipment which is not in use or should not be used;

(j) making requests of and, where necessary, giving directives to the owner, operator, agent or person in charge of any container, vehicle, aircraft, boat or vessel which is used or intended to be used in the storage or transportation of aquatic food or fishery products; and

[12] Member States may decide, at the national level, whether the Food Safety Service will absorb the cost of taking and processing samples or whether the cost will be transferred to the owner or operator of the premises from which the sample is taken.

(k) examining and, where necessary, making copies of any records and documents in relation to aquatic food or fishery products which consignors are required to keep pursuant to these Regulations.

(2) Nothing in this regulation shall be construed as restricting or otherwise varying the powers of an inspector as set out in Part VIII of the Act.

(3) A licensed fishing vessel shall not be considered a dwelling under these Regulations.

PART III

Licensing of Fishing Vessels

Requirement for fishing vessel licence and exemptions

6. (1) No person shall operate or cause or permit another person to operate a fishing vessel falling within a category specified in Schedule 1 without a valid fishing vessel licence.

(2) The Minister may, by Order published in the Gazette, subject to such terms and conditions as he may specify, exempt a fishing vessel from the prohibitions set out in subsection (1) where he is satisfied it is to be used *bona fide* for the purpose of scientific research.

(3) The Minister may, by Order published in the Gazette, subject to such terms and conditions as he may specify, exempt a fishing vessel from the prohibitions set out in subregulation (1) where he is satisfied it is to be used for or on behalf of the government of [*name of country*].

Application for fishing vessel licence

7. (1) A person who wishes to operate a fishing vessel falling within a category specified in Schedule 1 shall –

(a) submit an application in the form specified in Schedule 2 to the Director of Food Safety for a fishing vessel licence;
(b) pay the relevant application fee as specified in Schedule 3; and
(c) permit an inspector to inspect the fishing vessel, referred to in the application made under paragraph (a), to determine whether the design and construction of the fishing vessel are in accordance with-
    (i) the requirements and specifications set out in Schedule 4; and
    (ii) [the requirements set out in [*insert name and clause of enactment that regulates the safety of ships*]][13].

(2) An application made under subregulation (1) (a) shall be accompanied by –

(a) a HACCP plan or such other system or procedure which, in the opinion of the Director of Food Safety, is equivalent to a HACCP plan;
(b) an outline of good manufacturing practices;
(c) the plans and specifications specified in subregulations (3) to (5);
(d) the application fee; and
(e) a Certificate of Type Approval for sewage treatment plants issued by [*insert name of national authority*] in accordance with [*insert name and provision references of enactment giving force of law to the 2012 Guidelines*] or by an authority equivalent to [*insert name of national authority*] in the State whose flag the fishing vessel flies, where the fishing vessel is a factory vessel[14].

[13] Paragraph (c) (ii) is placed in square brackets because the enacting Member State has the discretion to determine whether it is appropriate to require the applicant for a fishing vessel licence to show proof of compliance with shipping safety legislation in addition to the requirements set out in Schedule 4 before the application may be approved and the licence issued.

[14] Paragraph (e) reflects paragraph 3 of the Preamble to the 2012 Guidelines on Implementation of Effluent Standards and Performance Tests for Sewage Treatment Plants under MARPOL. Paragraph (3) states –

"[The Marine Environment Protection Committee] ALSO INVITES Governments to issue an appropriate 'Certificate of type approval for sewage treatment plants' as referred to

(3) The plans referred to in subregulation (2) (c) shall include—

(a) a layout of the fishing vessel;
(b) a product flow chart and the main features of the product flow;
(c) a list of all major items of equipment used in the processing of aquatic food;
(d) a plan of the potable water supply or provision for the use of clean sea water;
(e) a plan of toilet facilities and means of storage and disposal of solid waste; and
(f) in the case of a housing vessel, plans of the facilities for the hygienic storage of diving, fishing and other equipment, sleeping facilities and first aid facilities.

(4) Where it is intended that dories, canoes or pirogues[15] will supply aquatic food to a fishing vessel, the plans referred to in subregulation (2) (c) shall also include—

(a) the numbers of dories, canoes and pirogues it is intended will supply the fishing vessel; and
(b) the layout of such dories, canoes or pirogues, showing the separation of product handling areas and fuel handling areas.

(5) The specifications referred to in subregulation (2)(c) shall contain details on the following—

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in paragraph 5.4.2 and the annex of the 2012 Guidelines and to recognize certificates issued under the authority of other Governments as having the same validity as certificates issued by them".

Paragraph 5.4.2 requires the Administration to undertake to assess the capability of the sewage treatment plant to produce an effluent in accordance with the standards set out in the Guidelines. The range of conditions under which the effluent standards were met should be recorded on the Certificate of Type Approval. The reference to the Certificate of Type Approval corresponds with the requirement set out at paragraph 58 of Schedule 4 to these model Regulations, as the Certificate is proof that the sewage or waste treatment plant is approved.

[15] Subregulation (4) makes reference to pirogues because some countries consider dories and canoes to different types of vessels, while in others they are construed as being the same type of vessel and in still others, both canoes and dories are construed as sub-sets of pirogues. Therefore, Member States may decide, at the national level, whether to adjust the provision to reflect national arrangements.

(a) construction materials of the equipment used in product handling areas;
(b) surface finishes;
(c) surfaces with which ingredients or aquatic food will come in contact;
(d) availability of electricity and potable or clean sea water;
(e) operating temperatures, freezing rate and storage capacity of all refrigeration equipment and refrigerated rooms, holds and tanks; and
(f) the number of crew and persons carrying out harvesting, handling, processing and storage duties.

(6) The details referred to in subregulation (5)(e) shall be prepared by a qualified cold storage technician detailing—

(a) in relation to each cold store and chiller—

(i) the method of refrigeration;
(ii) the storage capacity in kilograms for relevant aquatic food; and
(iii) the holding temperature; and

(b) in relation to each freezer—

(i) the storage capacity in kilograms and freezing capacity for the relevant aquatic food; and
(ii) the time required to reduce a full load of a stated aquatic food, processed on the fishing vessel or at the processing establishment and to be stored in the freezer, from a stated initial temperature to a core temperature of -18°C.

Grant of fishing vessel licence

8. (1) The Director of Food Safety shall in consideration of an application made under regulation 7(1) –

(a) cause an inspector to carry out an inspection of the fishing vessel specified in the application to determine whether the design and construction of the fishing vessel are in accordance with-
  (i) the requirements and specifications set out in Schedule 4; and
  (ii) the requirements set out in [*insert name and clause of enactment that regulates the safety of ships*]; and
(b) take into consideration the applicant's history of compliance with other food safety or [fisheries] [aquatic animal health] legislation.

(2) The Director of Food Safety shall grant a fishing vessel licence[16] where he is satisfied that –

(a) the requirements set out in regulation 7 and Schedule 4 have been complied with;
(b) the operator is in possession of a valid food business operator's licence granted pursuant to section 35 of the Act;
(c) in the 3 years preceding the application, the operator has not been convicted of any offence concerning food safety, agricultural health, the welfare of animals [or compliance with [*insert name of enactment that regulates the safety of ships*]][17];
(d) the specifications of the fishing vessel render it suitable for the purposes for which it is intended to be operated, taking into account the requirements of the Act and these Regulations and any relevant codes of practice, standards or protocols;

[16] The licensing provisions, as set out in Part III of the model Regulations are intended only to indicate the fundamental licensing provisions that food safety Regulations specific to fishery products must contain. Member States may assign the various responsibilities under a single department or multiple departments to suit their national needs and preferences.
[17] The words placed in square brackets indicate that the enacting Member State has the discretion, at the national level, to determine whether the proposed precondition is appropriate.

(e) the applicant has in place a system of management of the activities to be undertaken to ensure compliance with the Act, these Regulations and relevant codes of practice, standards or protocols;

(f) in relation to a fishing vessel intended for the harvesting, handling or processing of aquatic food, each crew member is in possession of a valid food handler's permit issued pursuant to section 48 of the Act and has a health status which does not pose a risk to the safety of food; and

(g) the applicant has paid the application fee[18].

(3) A fishing vessel licence –

(a) shall be in the form set out in Schedule 5;

(b) is, subject to subregulation (5), valid for a period of one year from the date on which it is issued, unless it is revoked;

(c) may be subject to such terms and conditions as the Director of Food Safety may impose, including requirements for mandatory training and other continuing development activities; and

(d) is not transferable.

(4) Where the Director of Food Safety grants a fishing vessel licence, he shall cause an identification number to be assigned to the fishing vessel and shall cause the identification number to be entered in the register referred to in regulation 10.

(5) Notwithstanding subregulation (3)(b), a licence granted under subregulation (2) may be valid for such other period as the Director of Food Safety may determine in order to coincide with the period of validity of another fishing vessel licence or registration issued by him.

Denial of application for licence

[18] Member States will determine the quantum of the fee at the national level.

9. Where the Director of Food Safety is satisfied that an application for a fishing vessel licence fails to meet the requirements set out in regulations 7, 8(2) and Schedule 4, he shall-

(a) deny the application; and

(b) notify the applicant, in writing –

(i) that the application has been denied;

(ii) of the reasons for the denial; and

(iii) that he may apply to the Director of Food Safety, in accordance with section 98 of the Act, for reconsideration[19] of the decision.

Register of licensed fishing vessels

10. (1) The Director of Food Safety shall –

(a) establish and maintain a register of fishing vessels licensed under these Regulations;

(b) make the register available for inspection by the public free of charge at all reasonable times and at such place as may be determined by the Director of Food Safety; and

(c) afford members of the public reasonable facilities for obtaining from the competent authority, on payment of reasonable charges, a copy of any entry in the register.

(2) The contents of entries in the register shall be *prima facie* evidence of all the facts set out therein in all proceedings under the Act.

Renewal of fishing vessel licence

[19] Member States have the discretion, at the national level, to establish another reconsideration and review framework, as harmonisation is not required in this instance. The focus is the availability of a reconsideration process.

11. (1) An operator who is desirous of renewing a fishing vessel licence shall, not less than [sixty 60] days before the date of expiry of the licence, apply in the form set out at Schedule 2 for the licence to be renewed.

(2) Regulation 8 shall apply to the renewal of a licence.

(3) Where the Director of Food Safety is satisfied that a licensed fishing vessel in relation to which the application for renewal was made continues to meet the requirements set out in regulations 7 and 8 and Schedule 4, he shall renew the licence.

(4) Where the Director of Food Safety is satisfied that a licensed fishing vessel in relation to which an application for renewal was made fails to meet the requirements set out in regulations 7 and 8 and Schedule 4, he shall-

(a) deny the application; and
(b) notify the applicant, in writing–

(i) that the application has been denied;
(ii) of the reasons for the denial; and
(iii) that he may apply to the Director of Food Safety, in accordance with section 98 of the Act, for reconsideration of the decision.

Modification of fishing vessel licence

12. (1) The Director Food Safety may, on his own initiative or on the application of the holder of fishing vessel licence, modify a fishing vessel licence in any particular, including the conditions specified in the licence[20].

(2) An application to modify a fishing vessel licence shall be –

[20] The regulation provides for the modification of the fishing vessel licence. Please see the template for the Certificate of Fishing Vessel Licence, set out at Schedule 5 to these Regulations. The conditions on which the licence is granted are listed on the Certificate. The Director of Food Safety is empowered to modify the conditions. Where the conditions are modified, it will be necessary to modify the list of conditions set out on the Certificate.

(a) in the form determined by the Director of Food Safety; and

(b) accompanied by such information and documentation as may be requested by the Director of Food Safety.

(3) In determining whether to modify a fishing vessel licence the Director of Food Safety shall -

(a) cause an inspector to conduct an inspection of the vessel referred to in the fishing vessel licence; and

(b) have regard to any –

(i) conviction of, or finding of guilt against, the licence holder for an offence against the *Food Safety Act, Aquatic Animal Health Act* or *[ ]*;

(ii) non-compliance by the licence holder with a requirement under an enactment referred to in subparagraph (i); and

(iii) other matter relevant to the licence holder's ability to appropriately carry on an activity in relation to the modification being considered.

(4) Where the Director of Food Safety modifies a licence, he shall –

(a) by notice in writing–

(i) require the operator to relinquish the licence to the Food Safety Service no later than the date specified in the notice; and

(ii) specify the modification that has been made to the licence and the reason therefor;

(b) issue the operator with a modified licence which has the same expiry date as specified in the licence prior to its modification; and

(c) update the Register of Licensed Fishing Vessels to reflect that the fishing vessel licence has been modified and the nature of the modification made.

(5) Where the Director of Food Safety issues a modified licence, the licence being modified ceases to be valid at midnight of the day immediately preceding the date affixed to the modified licence as its date of issue.

(6) Where the Director of Food Safety denies an application for the modification of a fishing vessel licence, he shall by notice in writing, notify the operator–

(a) that the application has been denied;
(b) of the reasons for the denial; and
(c) that he may apply to the Director of Food Safety, in accordance with section 98 of the Act, for reconsideration of the decision.

Suspension and revocation of fishing vessel licence

13. (1) Subject to subregulations (3) and (4), the Director of Food Safety may, by notice in writing, suspend a fishing vessel licence where he is satisfied that –

(a) the fishing vessel is operated in breach of –

(i) the Act or these Regulations;
(ii) [the [*insert name of enactment that regulates the safety of ships*]]; or[21]
(ii) a term or condition of the licence; or

(b) the application for the fishing vessel licence contained false or misleading representations or information, false or misleading in a material particular; and
(c) it is in the interest of the public to do so.

(2) Subject to subregulations (3) and (4), the Director of Food Safety may, by notice in writing, revoke a fishing vessel licence where—

[21] The enacting Member State has the discretion to determine whether to retain the breach of shipping legislation that regulates the safety of ships as grounds for the suspension of a licence.

(a) [the fishing vessel licence is suspended][22] and the Director of Food Safety is satisfied that the fishing vessel has been repeatedly operated in breach of the Act or these Regulations or a licence issued under these Regulations, and it is in the public interest to revoke the licence;

(b) [[the fishing vessel licence is suspended][23] and the Director of Food Safety is satisfied that the fishing vessel has been repeatedly operated in breach of [*insert name of enactment that regulates the safety of ships*]][24];or

(c) the fishing vessel is no longer being operated for the purpose for which the licence was granted or has ceased to operate; and

(d) it is necessary to revoke the licence to prevent or limit the risk of the spread of disease or to protect human health.

(3) Subject to subregulation (4), where the Director of Food Safety intends to suspend or revoke a fishing vessel licence, he shall–

(a) by notice in writing, give the holder of the licence at least 28 days' notice of his intention;

(b) by notice in writing, notify the holder of the licence of —

(i) the grounds upon which the suspension or revocation is intended to be made;

[22] An enacting Member State has the discretion whether to retain the words in square brackets. Member States are reminded that by making the operation of this provision contingent on suspension the Director of Food Safety is compelled to go through a first phase of suspension before being able to proceed to revocation even where he has knowledge that the breach, though newly discovered, has occurred repeatedly. Such an approach may be problematic in the context of public health and food safety.

[23] An enacting Member State has the discretion whether to retain the words in square brackets. Member States are reminded that by making the operation of this provision contingent on suspension the Director of Food Safety is compelled to go through a first phase of suspension before being able to proceed to revocation even where he has knowledge that the breach, though newly discovered, has occurred repeatedly. Such an approach may be problematic in the context of public health and food safety.

[24] The enacting Member State has the discretion to determine whether to retain the breach of shipping legislation that regulates the safety of ships as grounds for the revocation of a licence.

(ii) the dates on which the notices referred in subregulations (1) and (2) shall expire and on which the proposed suspension or revocation shall take effect, respectively;

(iii) any proposed terms of the suspension or revocation, as the case may be, including, in the case of a suspension, the duration of the period of suspension; and

(iv) his right to make representations in response to the notice of intention to suspend or revoke the licence; and

(c) upon the expiration of the notice period referred to in paragraph (a), consider any representations made by or on behalf of the holder of the licence submitted before the expiration of the notice referred to in paragraph (a) prior to making a decision whether to suspend or revoke the licence.

(4) Notwithstanding subsection (3), the Director of Food Safety shall take immediate action to suspend or revoke a licence where he is satisfied that the risk to public health requires immediate action.

(5) Where the Director of Food Safety suspends or revokes a fishing vessel licence he shall, by notice in writing, notify the holder of the licence of –

(a) the grounds for the suspension or revocation;

(b) the date on which the suspension or revocation shall come into effect and, in the case of a suspension, the date on which or event in relation to which the suspension shall cease to have effect; and

(c) that he may apply to the Director of Food Safety, in accordance with section 98 of the Act, for reconsideration of the decision.

(6) Where a licence is suspended or revoked, the holder of the licence shall surrender it to the Food Safety Service within 14 days of his receipt of the notice of suspension or revocation, irrespective of whether the suspension or revocation is the subject of reconsideration or appeal proceedings.

(7) Where a fishing vessel licence is suspended, in order to have the licence reinstated the holder of the licence shall –

(a) remedy the breach specified in the notice referred to in subregulation (5) as the grounds for the suspension; and
(b) notify the Director of Food Safety, in writing, that the breach has been remedied.

(8) The Director of Food Safety shall, upon receipt of a notification under regulation (7)(b), cause an inspection to be carried out within 10 days of his receipt of the notice and if, on inspection, the Director of Food Safety is satisfied that the breach has been remedied the licence shall be reinstated.

PART IV

Obligations of Licensed Fishing Vessel Operator

General obligations

14. (1) An operator of a licensed fishing[25] vessel shall have primary responsibility for compliance with the Act and these Regulations by the licensed fishing vessel and the crew.

(2) Without limiting the generality of subregulation (1), an operator shall—

(a) clearly identify the activities which are critical to the safety of aquatic food present on the licensed fishing vessel;
(b) submit to the Director of Food Safety, in writing, information setting out the activities which are critical to the safety of aquatic food present on the licensed fishing vessel;

[25] The purpose of this regulation 14 (1) is to specify that if there are breaches of the Act or the Regulations, the operator may be found liable where the action or inaction that constituted the breach was conducted by a member of the crew or where the vessel's non-compliance with the standards specified in the Act or Regulations is due to the fishing vessel falling into disrepair. The model Food Safety Bill is not drafted to address all circumstances relating to licensed fishing vessels. Where the aquatic establishment is not a licensed fishing vessel, the provisions in the model Food Safety Bill will suffice.

(c) identify, implement, maintain and review food safety procedures specified under the Act and these Regulations by—

(i) analysing the potential food hazards in the operations of the licensed fishing vessel;
(ii) identifying the points in the operations where food hazards may occur;
(iii) determining the points which are critical to ensuring food safety;
(iv) implementing effective control and monitoring procedures at points critical to ensuring food safety; and
(v) reviewing the analysis of food hazards, the critical points and the control and monitoring procedures periodically, and when the operations of the licensed fishing vessel change.

(3) An operator shall operate a licensed fishing vessel in accordance with the specifications set out in Schedule 6.

(4) An operator shall cause every food handler onboard a licensed fishing vessel —

(a) to hold a valid food handler's certificate, issued under section 48 of the Act;
(b) to be appropriately supervised and instructed commensurate with their work activities; and
(c) maintain a health status which does not pose a risk to the safety of food.

(5) An operator shall allow access to the premises and records of the licensed fishing vessel by the representatives of the Food Safety Service lawfully carrying out their duties under the Act and these Regulations.

Obligation to keep records

15. (1) Subject to subregulations (2) and (3), an operator shall keep the following records and information concerning a licensed fishing vessel –

(a) licences and other authorisations granted under the Act and these Regulations;
(b) records or information required under the Act and these Regulations, a code of practice, standard or protocol;
(c) production records;
(d) HACCP and pre-requisite related records;
(e) information pertaining to the food business operations under the Act; and
(f) management procedures and policies.

(2) An operator shall -

(a) at all times during the validity of each licence and authorisation referred to in subregulation (1)(a), keep each licence and authorisation on board the licensed fishing vessel; and
(b) upon request by an inspector, make available for inspection each licence and authorisation referred to in subsection (1)(a).

(3) Subject to subregulation (4), records and information required to be kept under subregulation (1)(b) shall be retained on board the licensed fishing vessel, in the case of –

(a) records and information relating to the harvesting, handling, processing or movement of aquatic food, for the shelf life of the aquatic food or for a period of two years, whichever is greater; or
(b) any other record or information, for a period of two[26] years.

[26] The period for the retention of records is set at 2 years in this paragraph and in other provisions across the Regulations in accordance with Belize recommendation which is based on the Food and Drug Administration (FDA) standard.

(4) The two-year period referred to in subregulation (3) shall commence on the date specified in the record or document containing the information as the date on which it was created.

(5) At any point during a period referred to in subregulation (3), the operator shall, upon request by a representative of the Food Safety Service, make available for inspection any record or information referred to in subregulation (1) (a) to (e).

(6) An operator shall cause the records and information referred to in subregulation (1) to be accurate, legible and dated.

PART V

Monitoring and Inspection

Water quality monitoring programmes

16. The Director of Food Safety shall cause –

(a) to be established programmes to determine water quality standards which adhere to the parameters and parametric values set out in Schedule 6; [27]

(b) to be annually published and distributed to the operators of licensed fishing vessels –

(i) a report which includes the water quality standards determined under the programmes referred to in paragraph (a); and

[27] The model Regulations indicate to Member States the SPS and food safety legislative provisions that must be included in their respective legislation. Where a Member State determines that a provision which accurately reflects a principle set out in these Regulations already exists in other legislation and the duty is adequately performed by an entity in the Member State, it is not expected that the responsibility be shifted to another entity or placed in new legislation.

(ii) other information on the water quality required for use on a licensed fishing vessel in the processing of aquatic food; and

(c) to be monitored routinely, in accordance with the intervals specified regulation 17, supervise the conduct of water quality monitoring exercises to the quality of water intended to be used on a licensed fishing vessel in the processing of aquatic food to ensure that the water quality conforms to the parameters and parametric values set out in Schedule 6.

Operators' water quality monitoring obligations

17. (1) An operator of a licensed fishing vessel shall –

(a) notify the Director of Food Safety of the source of the licensed fishing vessel's water supply;
(b) cause to be maintained a quality of water on the licensed fishing vessel that conforms with the parameters and parametric values set out in Schedule 6; and
(c) cause to be maintained a distribution and recirculation plan identifying all the pipes and outlets within the licensed fishing vessel.

(2) Upon receipt of a request from an inspector, an operator shall –

(a) demonstrate the vessel's water distribution system and storage system; and
(b) make available for inspection the distribution and recirculation plan referred to in subregulation (1)(c).

(3) An operator shall cause to be conducted routine examinations of the water supply under the supervision of a representative of the Food Safety Service and shall cause the analysis of the samples taken to be conducted by the operator's laboratory or by an official laboratory.

(4) An operator shall cause routine examinations, referred to in subregulation (3), to be conducted –

(a) once per year, where the water supply is from a public source and there is no immediate storage system;
(b) once per week, where the water supply is from a private supply system or a public supply system with intermediate storage; or
(c) in the case of a microbiological examination, once per month.

(5) Notwithstanding subregulation (4), the Director of Food Safety shall, at such intervals as he may determine, require an operator to cause to be conducted an examination of samples of water used in a licensed fishing vessel.

(6) An operator shall establish a system to –

(a) monitor the chlorine content in water used in the handling of aquatic food by conducting checks at least once per hour during the period of processing;
(b) identify and resolve abnormalities in the chlorine content of the water; and
(c) take all measures necessary to ensure that, where disinfection forms part of the preparation or distribution of water intended for human consumption, the efficiency of the disinfection treatment applied is verified, and that any contamination from disinfection by-products is kept as low as reasonably possible without compromising the disinfection.

(7) An operator shall, on a case-by-case basis, conduct additional monitoring of the micro-organisms, parasites or other substances for which no parameters and parametric values have been set in Schedule 6.

Findings of unsatisfactory water quality

18. (1) If the result of a routine examination conducted pursuant to regulation 17(3) is unsatisfactory, the Director of Food Safety shall cause an immediate examination and further sampling to be conducted.

(2) [Where, in accordance with subregulation (1), the Director Food Safety causes to be conducted further sampling and two consecutive samples from a source of water test positive for coliform organisms, that source of water shall not be used until the contamination has been eliminated.][28]

(3) Where, on the basis of an examination and sampling conducted pursuant to subregulation (1), the Director of Food Safety is satisfied that the water at source does not comply with the parameters and parametric values set in Schedule 6, the Director of Food Safety shall, [as soon as is reasonably practicable] [*Member State to insert time frame*][29]—

(a) commence an investigation in order to determine the cause of the deterioration in the quality of the water;
(b) warn all operators, where there is an unacceptable risk to public health;
(c) where the source of water is the national supplier of water, notify the national supplier of the problem and prepare an action programme for the improvement of the quality of water;
(d) where the source of the water is a private water supply, notify the person responsible for the supply and advise the person of the measures to be taken for the improvement of the quality of the water; and
(e) cause immediate remedial action to be taken to improve the parameters and parametric value of the water, including, where necessary, the temporary or permanent closure of the source of the water.

[28] Member States may adjust subregulation (2) to reflect their national arrangements.
[29] Having regard to the anticipated variations of size of operations and scope of work of the Food Safety Service across the Member States, Member States should determine, at the national level, whether to retain the "as soon as is reasonably practicable" formulation or to insert a time frame. Technical guidance at the national level will likely help Member States to make this determination.

(4) Where the Director of Food Safety or an operator finds that the quality of water intended for use in the processing of aquatic food does not meet the parameters and parametric values set out in Schedule 6, the operator shall—

(a) cause to be implemented the necessary treatment technique or take other remedial action [as soon as is reasonably practicable] [*Member State to insert time frame*][30] to restore the quality of the water; and

(b) give priority to cases based on the extent to which the parameters and parametric values have been exceeded and the extent to which the wholesomeness of the particular aquatic food has been compromised.

Failure to meet remedial action obligations

19. (1) Where an operator fails to meet obligations under regulation 18(4)(a) by failing to apply the appropriate treatment techniques to reduce or eliminate the risk of dangerous levels of micro- organisms, parasites or other substances in the water, the Director of Food Safety may cause the operator to suspend processing operations pending compliance.

(2) When determining whether to suspend operations pursuant to subregulation (1), the Director of Food Safety shall consider whether the failure to meet obligations under regulation 18(4)(a) poses a risk to the wholesomeness of aquatic food processed on the licensed fishing vessel.

Records of water quality examination results

20. The Director Food Safety and an operator shall cause to be kept records of the results of water quality examinations conducted under this Part and shall keep each record for a period of three years.

[30] Having regard to available resources and services for the implementation of treatment techniques or other remedial actions, Member States may determine, at the national level, whether to use the "as soon as is reasonably practicable" formulation or to specify a time frame. Technical guidance at the national level will likely help Member States to make this determination.

Inspections of aquaculture establishments

21. (1) An inspector shall, on the directive of the Director of Food Safety, conduct an inspection of an aquaculture establishment to be satisfied that —

(e) aquatic animals that are harvested are alive at the time of harvest;

(f) in the case of a licensed fishing vessel, the licensed fishing vessel is offloaded at landing sites designated for the purpose by the Director of Food Safety;

(g) fishery products are properly placed in batches and sampling is carried out as required under the Act and these Regulations;

(h) in the case of a licensed fishing vessel or a licensed processing establishment, an operator has valid certificates and authorisations concerning production, transport, import, export or other matters related to the fishery products, and has affixed correct identification codes on the batches of fishery products;

(i) harvesting, handling and processing activities are properly carried out; and

(j) an operator has implemented systems to properly monitor the activities carried out in an aquaculture establishment.

(2) Where an inspector reasonably suspects that aquatic animal welfare requirements, as set out in the Aquatic Animal Health Act, or animal welfare requirements, as set out in the Animal Health Act, are not being complied with, he shall notify the competent authority under the relevant Act.

(3) Upon completion of an inspection under subregulation (1), the inspector shall issue a written report to the Director of Food Safety setting out the nature and results of the inspection.

Exercise of powers on reasonable suspicion of evidence on fishing vessel, licensed fishing vessel

22. (1) Where, in the course of exercising a power under Part VIII of the Act, an inspector reasonably suspects that there may be on or in a fishing vessel, or a licensed fishing vessel, evidence that an offence under the Act or these Regulations has been, is being, or is about to be committed, he may, at any reasonable time, take any or all of the following actions—

(a) stop and detain the fishing vessel or licensed fishing vessel;

(b) request a person on the fishing vessel, or licensed fishing vessel, to provide him with the assistance that he may reasonably require in the exercise of any of his powers and duties; or

(c) direct the master of the fishing vessel, or licensed fishing vessel, to proceed to port.

(2) An operator, a master, and every crew member of any fishing vessel, or licensed fishing vessel, who receives an instruction or a direction from an inspector shall immediately comply with the instruction or direction and shall facilitate the safe boarding, entry and inspection of the fishing vessel, or licensed fishing vessel, and of any fishing gear, equipment, records and fishery products on board.

(3) An operator, a master, and every crew member of a fishing vessel, or a licensed fishing vessel, shall ensure the safety of an inspector in the performance of his duties and the safety of other persons assisting the inspector in the performance of his duties.

Inspection and audit of fishing vessel, licensed fishing vessel at sea

23. (1) The Director of Food Safety may cause an inspection of a fishing vessel, or licensed fishing vessel, at sea to determine whether it is being operated in compliance with the Act and these Regulations.

(2) For the avoidance of all doubt, these Regulations and Part VIII of the Act shall apply to the inspection of a fishing vessel, or licensed fishing vessel, at sea.

(3) The Director of Food Safety may cause an audit of a fishing vessel, or a licensed fishing vessel, which harvests, handles or processes fishery products to be conducted during operations at sea or at such time as the Director of Food Safety may determine.

(4) Where the Director of Food Safety causes an audit to be conducted, an operator of a fishing vessel, or licensed fishing vessel, shall permit the audit to be conducted.

Inspection and audit of fishing vessel, licensed fishing vessel in port

24. (1) The Director of Food Safety may request that an operator of a fishing vessel or a licensed fishing vessel make the fishing vessel or licensed fishing vessel available for inspection and audit at a specified port at a specified time.

(2) Where an operator is unable to make a fishing vessel or a licensed fishing vessel available for an inspection and audit in accordance with a request made under subregulation (1) he shall, not less than forty-eight hours before the inspection and audit, notify the Director of Food Safety of his inability.

(3) Upon receipt of a notification from an operator pursuant to subregulation (2), the Director of Food Safety shall notify the operator of the new place and time for inspection.

(4) Where an operator receives a request pursuant to subregulation (1), no aquatic food which is harvested, handled or processed on board a licensed fishing vessel shall be sent to a licensed processing establishment, entered for export or exported between the date on which the operator received the request and the date on which the vessel is presented for inspection at the specified port.

Re-inspection

25. (1) Where an inspector has reasonable grounds to believe that aquatic food or a fishery product has deteriorated after the date on which it was inspected or that it otherwise fails to meet the requirements of this Part, he may re-inspect such aquatic food.

(2) Where an inspector is satisfied that aquatic food has deteriorated or that the aquatic food fails to meet the requirements of this Part, the inspector shall issue -

(a) an improvement notice in accordance with section 68 of the Act and regulation 39;
(b) an enforcement notice in accordance with regulation 40;
(c) an emergency hygiene prohibition notice in accordance with section 69 of the Act; or
(d) an emergency control notice in accordance with regulation 41,

if the inspector is reasonably satisfied that the conditions for the issuance of the notice are met.

PART VI

Harvesting and Production

Restrictions on growing and harvesting for export

26. [[31]No operator shall permit the harvesting of a fishery product for export as aquatic food unless the fishery product being harvested from an approved production area.]

[31] The inclusion of this regulation is advised for reasons of traceability. However, each Member State may determine, at the national level, whether such a provision is in accordance with its national arrangements and retain or adjust the regulation as necessary.

Approved production areas

27. (1) The Director of Food Safety shall, from time to time, conduct examinations of areas of fisheries waters and areas of inland waters to determine whether there is a noxious substance present therein in such quantities as would be harmful to human health.

(2) Where, on the basis of examinations conducted pursuant to subregulation (1), the Director of Food Safety is reasonably satisfied that there is no noxious substance present in an area of fisheries waters or in an area of inland waters in such quantities as would be harmful to human health, he may, subject to subregulation (3), demarcate the area as an approved production area from which fishery products may be harvested.

(3) Where an area of fisheries waters or an area of inland waters is demarcated as an approved production area under subregulation (2) and bivalve molluscs, tunicates, echinoderms and marine gastropods may be reared in or harvested from the approved production area, the demarcation of the approved production area shall indicate—

(a) the areas from which they may be harvested for export;

(b) the areas where, subject to regulation 28, aquatic food or a fishery product harvested therefrom —

(i) is required to undergo purification in a relay area before being exported;

(ii) may only be exported over such period, being not less than forty-eight days, as the Director of Food Safety may determine whether or not the aquatic food or fishery product is purified; or

(iii) can only be exported after undergoing extensive purification.

(4) The Director of Food Safety shall, from time to time, conduct examinations of approved production areas to ensure that there is no noxious substance present therein in such quantities as would be harmful to human health.

(5) Where, on the basis of an examination conducted pursuant to subregulation (4), the Director of Food Safety is reasonably satisfied that a noxious substance is present in an approved production area in a quantity which is likely to be harmful to human health, the Director of Food Safety shall forthwith take such steps as are necessary to notify interested persons of the results of that examination.

(6) The [Director of Food Safety][32] shall keep records of all examinations conducted under this regulation for a period of two years commencing on the date specified on the record as the date on which it was created.

(7) For the purposes of this regulation "examination" includes inspection, sampling, testing and analysis.

Allowable faecal coliform levels in harvested aquatic food

28. (1) Aquatic food harvested from an approved production area referred to in regulation 27 (3)(b)(i) shall not exceed the limits of a five-tube, three-dilution MPN-test of 300 faecal coliform per 100 grams of flesh or 230 E.coli per 100 grams of flesh in 90% of any sample.

(2) Aquatic food harvested from an approved production area referred to in regulation 27(3)(b)(ii) shall not exceed the limits of a five-tube, three-dilution MPN-test of 300 faecal coliform per 100 grams of flesh.

(2) Notwithstanding the tests specified in subregulations (1) and (2), an equivalent test which is internationally recognised may be applied to determine the allowable levels of faecal coliform which may be present in harvested aquatic food.

Approved production areas unsuitable for growing or harvesting

[32] At the national level, Member States may determine the appropriate entity on which to place the responsibility of recordkeeping based on their respective national arrangements.

29. (1) Aquatic food for export shall not be grown in or harvested from an approved production area where there is a presence of pesticides, fungicides or heavy metals.

(2) Shellfish for depuration shall not be harvested from an approved production area where faecal material, pathogenic micro-organisms, noxious substances, phytoplankton or radionuclides are present in concentrations that are harmful to human health.[33]

(3) Shellfish shall not be harvested from an approved production area in which—

(a) the concentration of paralytic shellfish poison equals or exceeds 80 micrograms per 100 grams of edible portion of raw shellfish; or
(b) poison is found in detectable harmful levels in the shellfish.

(4) Oysters intended for depuration shall not be harvested from an approved production area in which—

(a) the total coliform median MPN exceeds 700 per 100 ml or more than 10 per cent of the samples of the water exceed an MPN of 230 per 100 ml for a five-tube decimal dilution test; or
(b) the faecal coliform median MPN exceeds 88 per 100 ml or more than 10 per cent of the samples of the water exceeds an MPN of 260 per 100 ml for a five-tube decimal dilution test.

(5) Notwithstanding the tests specified in subregulation (4), an equivalent test which is internationally recognised may be applied to determine the limits applicable to oysters.

[33] The technical accuracy of the model legislation was determined by Member States' senior technical officers as representatives comprising the Technical Expert Review Consultation. The Technical Experts decided against prescribing levels at the regional level in this context as it would prove onerous for Member States that do not require the levels to be specified. However, Member States have the discretion to specify the levels at the national level. Senior technical officers in the respective Member States will instruct whether, and what, levels are required to be specified in national legislation. Member States desirous of specifying levels may be guided by the Codex Alimentarius.

Operator's obligations to prevent contamination.

30. (1) To prevent contamination, an operator of a licensed processing establishment or a licensed fishing vessel, as the case may be, shall–

(a) in the harvesting of a fishery product and the production of aquatic food, use methods and follow procedures that are hygienic and prevent contamination;
(b) harvest live fishery products; and
(c) where aquatic food is unfit for human consumption —

(i) isolate the aquatic food during harvesting and processing for disposal; and
(ii) dispose of or handle the aquatic food in such a manner as to prevent it from contaminating other food, water supplies, products or packaging materials.

(2) An operator shall take such measures as are necessary to prevent cross-contamination of aquatic food or fishery products.

(3) Notwithstanding the generality of subregulation (2), in relation to the processing of aquatic food, an operator shall provide each person who –

(a) handles raw materials or aquatic food with clean and sanitised protective clothing and shall require the person to wear clean and sanitised protective clothing when handling raw materials or aquatic food;
(b) handles aquatic food with facilities to wash his hands thoroughly at different stages of processing and shall require the person to wash his hands thoroughly at different stages of processing; and
(c) operates equipment with which raw materials or contaminated materials have been in contact with facilities to thoroughly clean and

sanitise the equipment prior to re-use and shall require the person to thoroughly clean and sanitise the equipment prior to re-use.

(4) An operator shall –

(a) provide potable water or clean sea water for use in a licensed processing establishment or licensed fishing vessel; and

(b) require each person who handles and processes aquatic food to use potable water or clean sea water during the handling and processing of aquatic food and the cleaning of all surfaces with which aquatic food may come in contact.

(5) An operator shall cause all steps in the production process, including packaging, to be performed without unnecessary delay and under conditions which will minimise the possibility of contamination, deterioration, or the development of pathogens and contamination by foreign matter.

(6) An inspector shall, during the business hours of a licensed processing establishment, take samples of aquatic food for examination at such times as are appropriate during preparation of the aquatic food to ensure that it complies with the Act and these Regulations.

(7) An operator shall keep records in respect of each batch of aquatic food stating—

(a) the quantity of aquatic food processed;

(b) the temperatures and times at which the aquatic food was processed;

(c) the details of sampling; and

(d) any other information that is relevant to prove that the aquatic food is processed in accordance with the Act and these Regulations.

(8) An operator shall store aquatic food under appropriate physical conditions, including temperature and humidity, to—

(a) minimise the contamination by, and proliferation of, micro-organisms; and

(b) protect the aquatic food from deterioration.

Equipment, containers and conveyances

31. (1) An operator of a licensed fishing vessel or a licensed processing establishment, as the case may be, shall use equipment and containers made for the harvesting of fishery products and the production of aquatic food that are—

(a) constructed and maintained so as not to constitute a hazard to human health;

(b) if reusable, made of such material and construction as to permit easy and thorough cleaning;

(c) maintained in clean condition so that they cannot contaminate the aquatic animals or aquatic food and, where necessary, sanitised; and

(d) carefully cleaned and disinfected before the equipment or container is used and several times during the same working day, including after the day's work is completed.

(2) An operator shall not use a container made for the storage of toxic materials to hold food, ingredients or equipment that is, or is intended to be, used to handle or process aquatic food.

(3) An operator shall use conveyances and equipment that are suitable and adequate for the protection of aquatic food.

Protection of packaging, ingredients and raw materials

32. (1) During production, storage and transport, an operator of a licensed processing establishment or a licensed fishing vessel shall protect the packaging, ingredients and raw materials relating to aquatic food from—

(a) contamination by—

(i) pests;

(ii) physical and chemical agents;

(iii) microbiological contaminants;

(iv) other objectionable substance; and

(b) deleterious changes due to temperature or other physical causes.

(2) An operator shall cause the oldest stocks of raw materials and ingredients to be used before newer stocks.

Chilling and freezing

33. (1) An operator of a licensed processing establishment or a licensed fishing vessel, as the case may be, shall cause –

(a) aquatic food to be chilled or frozen with sufficient speed to prevent any physical, biochemical or microbiological deterioration of the aquatic food[34];

(b) the freezing process to be carried out in a room or chamber specifically designed for the purpose and not in a cold store;

(c) cold stores to be operated so that they maintain frozen aquatic food in a frozen state.

(2) Without limiting the generality of subregulation (1) (c), an operator shall cause frozen aquatic food to be stored at a temperature of -18°C or colder, and if the temperature rises —

(a) to between -17°C and -15°C, it shall be reduced to -18°C or colder as quickly as possible; or

[34] Member States are free to make the determination, at the national level, as to whether to specify a duration for the chilling or freezing of food for the purposes of subregulation (1)(a).

(b) to between -14°C and -12°C, it shall be reduced to -18°C or colder as quickly as possible and the aquatic food shall be reassessed for wholesomeness, fitness for human consumption and compliance with the appropriate product standard; or

(c) above -12°C, the aquatic food shall be rejected and safely discarded.

(3) Subject to subregulation (4), at all times during the transportation of aquatic food to or from a licensed processing establishment, an operator shall cause the aquatic food to be maintained in a condition that protects it from deterioration caused by contamination, dehydration, pressure, heat, damage to the packaging or by any other means.

(4) Without limiting the generality of subregulation (3), an operator shall cause–

(a) fresh, chilled or cooked aquatic food from crustaceans and molluscs and thawed unprocessed crustaceans and molluscs to be maintained at a temperature approaching that of melting ice; and

(b) frozen aquatic food, with the exception of frozen fish in brine intended for the manufacture of canned food, to be maintained during transport at an even temperature of not more than -18ºC in all parts of the product, possibly with short upward fluctuations of not more than 3°C.

Thawing of aquatic food

34. An operator of a licensed processing establishment that conducts thawing operations shall —

(a) cause aquatic food to be brought to its thawed state as quickly as possible without causing undesirable physical, biochemical and microbiological changes to it;

(b) cause aquatic food to be thawed under hygienic conditions, including drainage of any meltwater produced, in order to prevent contamination;

(c) during thawing, cause the temperature of aquatic food to increase gradually and remain evenly distributed throughout the aquatic food[35];

(d) after the aquatic food is thawed, cause it to be handled and processed without delay; and

(e) cause fresh, thawed, cooked or chilled aquatic food to be kept at the temperature of melting ice.

Refrigeration

35. An operator of a licensed processing establishment shall cause –

(a) every refrigerator in the licensed processing establishment that contains aquatic food, or the ingredients of aquatic food, to be equipped with a thermograph which is easily read and on which the heat-sensitive part is in the zone where the temperature is highest; and

(b) the air temperature of every refrigerator in the licensed processing establishment that contains aquatic food, or the ingredients of aquatic food, to be recorded at least once every hour.

Dried food

36. (1) An operator of a licensed processing establishment shall cause aquatic food being processed at the licensed processing establishment to be –

(a) dried to a moisture content level low enough to prevent the growth of pathogenic micro-organisms; and

(b) processed and transported in a manner which minimises contamination, deterioration, spoilage or the development of pathogenic micro-organisms in them.

[35] Paragraph (c) sets out a minimum standard. Member Stats may decide, at the national level, whether to exceed the minimum standard.

(2) An operator of a licensed processing establishment shall not sun-dry aquatic food at the licensed processing establishment unless the licence to operate a food business, granted under section 35 of the Act, specifies sun-drying as a process permitted to be carried out at the licensed processing establishment.[36]

Unloading, handling, holding, transporting of fish

37. (1) No person shall unload, handle, hold or transport fish intended for processing unless the unloading, handling, holding or transportation meets the requirements specified in [*insert reference to the specific Protocol*].

(2) No person shall export, process, or attempt to process, for export any fresh fish unless the unloading, handling, holding and transportation have been conducted in accordance with [*insert reference to the specific Protocol*].

Calibration of equipment

38. An operator of a licensed fishing vessel or licensed processing establishment, as the case may be, shall cause all measuring instruments, gauges and devices used in connection with the preparation of aquatic food to be graduated in a manner which enables them to be read accurately and are calibrated by [*insert title of certified regulatory body*].

[36] Sun-drying of aquatic food should only be done where the licence to operate a food business, issued under section 35 the CARICOM model Food Safety Bill, specifies sun-drying as a process permitted to be conducted at the licensed processing establishment.

PART VII

Enforcement and Compliance Notices[37]

Improvement notices

39. (1) Without limiting the generality of section 68 (2)(c) of the Act, an improvement notice issued under section 68 (1) may require the operator of a licensed processing establishment or a licensed fishing vessel, as the case may be, to do all or any of the following —

(a) clean and disinfect premises or equipment;
(b) enhance operational and sanitary measures;
(c) modify or replace equipment; or
(d) alter food safety practices at any stage of the business process.

(2) An inspector, in satisfying the requirement under section 68 (2)(d) of the Act to specify the period of time within which a measure specified in the improvement notice is to be taken by the operator, shall take into account—

(a) the seriousness of the act of non-compliance and the level of food safety risk that it presents; and
(b) the extent and complexity of the modifications required in the operator's practices, procedures or facilities and the capacity of the operator to implement those modifications,

rather in any case, the period shall be no less than 14 days and no more than one year from the date on which the notice was served.

[37] Ideally enforcement powers should be placed in the parent Bill. However, Member States are reminded that the CARICOM model Food Safety Bill was prepared under another CARICOM Institution's consultancy and was approved by the LAC years before the Office of the General Counsel's consideration of the Consultant's draft, prepared under this matter. Therefore, the CARICOM model Food Safety Bill, as the parent Bill for these Regulations, would not include the enforcement powers applicable to an aquatic food safety regime. The provisions have been placed in these model Regulations to give effect to principles approved by COTED, as it is no longer possible to include the principles in the model parent Bill. In light of these constraints, Member States are reminded of their discretion to place the enforcement powers provisions, set out in these model Regulations, in their respective parent Bills when implementing the various pieces of approved CARICOM model Sanitary and Phytosanitary legislation.

Enforcement notices

40. (1) An inspector may serve an enforcement notice on a person where the inspector reasonably suspects that—

(a) the person has contravened or failed to comply with a requirement set out in these Regulations; and

(b) as a result of such contravention or failure to comply, there is a risk to human or animal health.

(2) An enforcement notice served under subregulation (1) shall—

(a) state the grounds upon which it is based, specifying the matters which constitute the person's contravention of, or failure to comply with, these Regulations and the risk to human or animal health;

(b) specify the steps that the person is required to take in order to secure compliance with these Regulations;

(c) specify the date by which the steps referred to in paragraph (b) are required to be taken; and

(d) inform the person that he may apply to the Director of Food Safety, in accordance with section 98 of the Act, for reconsideration of the decision.

(3) Without limiting the generality of subregulation (2)(b) an enforcement notice may direct a person to do all or any of the following—

(a) clean and disinfect premises or equipment;

(b) enhance operational and sanitary measures;

(c) modify or replace equipment;

(d) alter food safety practices at any stage of the business process; or

(e) modify or stop operations until the person has taken the remedial actions specified in the notice.

Emergency control notices

41. (1) Where an inspector reasonably suspects, on the basis of —

(a) information or knowledge that he acquires in the course of his duties; or

(b) a notification made to him, another representative of the Food Safety Service, the Director of Food Safety or a representative of the [Fisheries Department],

that a licensed processing establishment or a licensed fishing vessel is infected by a disease which poses a serious and imminent threat to human health or animal health, the inspector may serve an emergency control notice in accordance with subregulation (3).

(2) An emergency control notice shall specify–

(a) that all or any of the following steps be taken –

(i) prevent, control or reduce the risk of the spread of disease;

(ii) destroy or treat any infected aquatic food, fishery product or infected material[38]; or

(iii) modify or stop operations until remedial actions have been completed; and

(b) whether the steps specified in the notice are to be taken by the inspector, the operator or the master of the licensed fishing vessel, the operator of the licensed processing establishment, or any other person present on the licensed fishing vessel or the on the premises of the licensed processing establishment, as the case may be.

(3) An inspector may serve an emergency control notice—

[38] Member States may determine, at the national level, whether to specify types of diseases.

(a) on the master of the licensed fishing vessel or on any person in charge of or in occupation of the licensed processing establishment, as the case may be;

(b) on any crew member present on the licensed fishing vessel or on any employee of the licensed processing establishment present on the premises of the establishment, as the case may be, if a person referred to in paragraph (a) cannot reasonably be located or identified; or

(c) by affixing it in a conspicuous place on the licensed fishing vessel or on the premises of the licensed processing establishment, if none of the persons referred to in paragraphs (a) and (b) can reasonably be located or identified.

(4) Subject to subregulation (5), an inspector may, upon serving an emergency control notice under subregulation (1), board the licensed fishing vessel or enter the licensed processing establishment referred to in the notice, and shall, if requested, display his identification card, issued pursuant to section 16 of the Act.

Service of notices

42. (1) Except in the case of an emergency control notice, a notice made under these Regulations shall be served on a person –

(a) by delivering it to him personally;

(b) by leaving it for him at his usual or last known place of abode or business;

(c) by sending it in a prepaid registered letter addressed to him at his usual or last known place of abode or, where an address for service has been given by that person, at the address for service;

(d) by electronic service; or

(e) in the case of a body corporate or other body, by delivering it to the Director or other officer of that body at its registered or principal office in [*insert name of country*], by sending it in a prepaid registered letter addressed to the Secretary or other officer of that

body at that office or by electronic service to the Secretary or other officer.

(2) Where a notice under these Regulations is to be served on a person in charge of premises or an occupier or premises, and the last known place of abode or business of that person cannot be ascertained after reasonable inquiry, the notice shall be taken to be served seven days after it has been addressed to "the occupier" and affixed conspicuously to an object on the premises to which the notice relates.

(3) Where a notice is served under these Regulations, an inspector may, either in that notice or in a separate notice served on the owner or on such other person as appears to him to be in charge of the premises to which the notice relates, require the person on whom the notice is served to inform—

(a) the Director of Food Safety of any change in the occupation of the premises to which the notice relates together with the date of such change and the name of the new occupier; and
(b) the new occupier of the premises of the contents of the notice.

(4) For the purpose of this regulation, "electronic service" means service of a document by electronic means to the electronic address at or through which the intended recipient previously indicated, in writing, that-

(a) he is willing to accept service of documents by electronic means; and
(b) the electronic address to which the document is to be sent.

(5) A document is considered to have been electronically served when the transmission of the document is completed.

(6) Subject to subregulation (7), where a document is electronically served, the Director of Food Safety is not required to send a hard copy by any other means referred to in subregulation (1).

(7) Except in the case of an emergency control notice, if within two calendar days of electronic service, a person who has been electronically served notifies the Director of Food Safety that the notice cannot be read, the notice shall be served by any other method referred to in subregulation (1).

Coming into effect of notices

43. Unless a notice specifies a later date—

(a) an emergency control notice shall come into effect on the date and time at which it is served; and

(b) any other notice shall come into effect 24 hours after it has been served.

Information as to compliance with notices

44. (1) Except as otherwise provided, a person on whom a notice has been served, or is considered to have been served, under these Regulations shall, if required by an inspector, [immediately] [as soon as is reasonably practicable] inform the inspector, in writing –

(a) of whether the requirements of the notice have been complied with; and

(b) of the details of the steps taken in order to comply with the requirements.[39]

(2) A written document which sets out the details of the steps taken in order to comply with the requirements of a notice referred to in subregulation (1) shall include proof of compliance in the form of photographs with location, date and time stamps and any other supporting documentation and electronic communications.

[39] The timeframe set for a person's written response to the notice and the information to be provided in the response were approved at the technical level by Member States' Technical Experts. However, the word "immediately" is placed in square brackets and the words "as soon as practicable" have also been inserted in square brackets. Member States may determine, at the national level, which option is appropriate given their respective circumstances.

Failure to comply with a notice

45. If a person fails to comply with a notice, other than an improvement notice, an inspector may—

(a) take such steps as are reasonably necessary to—

(i) ensure compliance with the notice; or

(ii) remedy the consequences of the failure to comply with the notice; and

(b) recover from the person any expenses reasonably incurred in taking the steps referred to in paragraph (a).

Costs of compliance

46. Unless the Director of Food Safety directs otherwise in writing, a notice served under these Regulations shall be complied with at the expense of the person on whom it is served.

PART VIII

Offences and Penalties

Obstruction

47. Nothing in section 80 of the Act shall be construed as requiring a person to answer a question if to do so may incriminate that person.[40]

[40] Member States are reminded that the CARICOM model Food Safety Bill was prepared under another CARICOM Institution's consultancy and was approved by the LAC years before the Office of the General Counsel's consideration of the Consultant's draft, prepared under this matter. Therefore, the provisions of the Food Safety Bill were already settled. The content of regulation 47 would be appropriately included in a parent Bill but is placed in these model Regulations to give effect to principles approved by COTED, as it is no longer possible to include the principles in the model parent Bill. In light of these constraints, Member States are reminded of their discretion on whether to place provisions that are set out in model legislation in a Bill or subsidiary legislation.

Offences and general penalty

48. (1) A person who acts in contravention of or fails to comply with any provision of these Regulations, or any notice, direction, restriction, requirement, or condition given, made, or imposed under these Regulations other than a requirement to pay a sum of money, commits an offence and shall be liable on summary conviction to a fine of not more than [ ] and, if the offence is a continuing one, to a further fine not exceeding [ ] for every day after the first day on which the offence has continued.

(2) The Minister shall keep the level of fines specified in these Regulations under review and may, by Order, amend them with the objective of ensuring that the fines remain an appropriate deterrent to committing an offence.

(3) Subject to subregulation (4), nothing in subregulation (1) shall apply to a person carrying out any duties or responsibilities imposed or required under these Regulations while acting in the capacity of an employee, agent or representative of the State.

(4) Subsection (3) shall not apply where an act or omission arises from negligence or misconduct by a person carrying out any duties, or responsibilities, imposed or required under these Regulations while acting in the capacity of an employee, agent or representative of the State.

Offences due to fault of another person

49. Where the commission by any person of an offence under these Regulations is due to the act or default of another person, that other person also commits an offence and a person may be convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

PART IX

Jurisdiction, Evidence and Liability[41]

Jurisdiction and standing

50. (1) An act or omission in contravention of any of the provisions of these Regulations committed by—

(a) any person within the fisheries waters;

(b) any national of [*insert name of country*] beyond the fisheries waters; or

(c) any person on board a licensed fishing vessel registered in, and flying the flag of, [*insert name of enacting country*];

may be dealt with and judicial proceedings taken as if such act or omission had taken place in [*insert name of enacting country*] within the local limits of the jurisdiction of the [*specify court e.g. Supreme Court*].

(2) An act or omission beyond the fisheries waters committed by a person referred to in subregulation (1) (b) or (c), which if committed within the fisheries waters would be an offence, shall be considered to have been committed within the fisheries waters.[42]

(3) Where a regulation or licence condition requires, specifically or incidentally, the reporting of a fact while a licensed fishing vessel is beyond the fisheries waters, proceedings may be taken in respect of any failure to report or the misreporting of such fact as if it had occurred within the fisheries waters.

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[41] The provisions in PART IX, *Jurisdiction, Evidence and Liability"* may be appropriately placed in a parent Bill. Member States are reminded that the CARICOM model Food Safety Bill was prepared under another CARICOM Institution's consultancy and was approved by the LAC years before the Office of the General Counsel's consideration of the Consultant's draft, prepared under this matter. Therefore, the provisions of the Food Safety Bill were already settled. The content of PART IX would be appropriately included in a parent Bill but is placed in these model Regulations to give effect to principles approved by COTED, as it is no longer possible to include the principles in the model parent Bill. Considering these constraints, Member States are reminded of their discretion on whether to place provisions that are set out in model legislation in a Bill or subsidiary legislation.

[42] This model regulation seeks to regulate activities that take place on or in bodies of water. Issues of jurisdiction are relevant when determining the country in which charges made under the legislation will be heard and determined by the Court. Where a Member State makes provision in another piece of legislation for matters of jurisdiction arising from circumstances referred to in the regulation, their legislative drafters may exercise a discretion as to the inclusion or placement of these provisions.

Presumptions that fishery products are aquatic food

51. (1) Any fishery product commonly used for aquatic food shall, if placed on the market or offered, exposed or kept for placing on the market, be presumed, unless the contrary is proved, to have been placed on the market or, as the case may be, to have been placed on the market or to be intended for placing on the market as aquatic food.

(2) Any fishery product commonly used for aquatic food which is found on premises used for the preparation, storage, or placing on the market of that fishery product shall be presumed, unless the contrary is proved, to be intended for placing on the market, or for manufacturing fishery products or other food for placing on the market, as aquatic food.

(3) An article or substance commonly used in the manufacture of aquatic food which is found on premises used for the preparation, storage or placing on the market of fishery products shall be presumed, unless the contrary is proved, to be intended for placing on the market, or for manufacturing fishery products or other food for placing on the market, as aquatic food.

(4) An article or substance capable of being used in the composition or preparation of aquatic food which is found on premises on which that aquatic food is prepared shall, unless the contrary is proved, be presumed to be intended for use in the composition or preparation of aquatic food.

General presumptions concerning fishing vessels and licensed fishing vessels

52. (1) This regulation applies, in any legal proceedings under the Act or these Regulations, to evidence in relation to fishing vessels, licensed fishing vessels and activities thereon.

(2) Where the place in which an event is alleged to have taken place is in issue, the place stated in the relevant entry in the logbook or other official record of any enforcement vessel or aircraft as being the place in which the event took place shall be *prima facie* evidence of the place in which the event took place, unless the contrary is proved.

(3) *Prima facie* evidence of an entry in a logbook or other official record of an enforcement vessel or aircraft may be given by the production of a written copy or extract of the entry certified by the Director of Food Safety as a true copy of accurate extract.

(4) For the purposes of legal proceedings, the act or omission of any member of the crew of a fishing vessel or licensed fishing vessel while aboard that vessel, or engaged in fishing activity related to that vessel, shall be considered to be also the act or omission of the operator and master of the fishing vessel or licensed fishing vessel as the case may be, unless the contrary is proved.

(5) An entry in writing or other mark in or on any log, chart or other document required to be maintained under these Regulations used to record the activities of a fishing vessel or licensed fighting vessel shall be deemed to be that of the operator and master of the vessel, unless the contrary is proved.

(6) Where in any legal proceedings—

(a) an authorised officer gives evidence of reasonable grounds to believe that a fishery product to which the charge relates was taken from a specified area of the fisheries waters; and
(b) the Court considers that, having regard to that evidence the grounds are reasonable,

the fishery product shall be presumed to have been so taken, unless the contrary is proved.

Presumption as to manufacture

53. Evidence that a package containing aquatic food to which these Regulations apply bore a name, address or registered trademark of the food establishment operator or food establishment, by which it was produced, manufactured or packed, shall be *prima facie* evidence that the aquatic food was produced, manufactured or packed, as the case may be, by that food establishment or operator.

Vessel monitoring system evidence

54. (1) Information or data obtained, or ascertained, by the use of a device required under a vessel monitoring system shall be presumed, unless the contrary is proved, to—

(a) come from the vessel so identified;

(b) be accurately relayed or transferred; and

(c) be given by the master, owner and charterer of the vessel.

(2) Evidence may be given of information and data obtained or ascertained whether from a printout or visual display unit.

(3) The presumption in subregulation (1) shall apply whether or not the information was stored before or after a transmission or transfer.

(4) A monitoring device installed and operated in accordance with a vessel monitoring system shall be judicially recognised as accurate.

(5) A person may give a certificate stating—

(a) his name, address and official position;

(b) that he is competent to read the printout or visual display unit of a machine capable of obtaining or ascertaining information from a vessel monitoring device;

(c) that the date and time the information was obtained or ascertained from the vessel monitoring device and the details thereof;

(d) that the name and call sign of the vessel on which the vessel monitoring device is or was located as known to him, or was ascertained from any official register, record or other document; and

(e) a declaration that there appeared to be no malfunction in the vessel monitoring device, its transmissions, or other machines used in obtaining or ascertaining the information.

(6) In this regulation "vessel monitoring system" means a vessel monitoring system established under section [ ] of the [*Fisheries Act*][43].

[43] Please note that both the section number and the name of the enactment are placed in square brackets. The reference to the "*Fisheries Act*" refers to the Fisheries Act in the enacting Member State. Therefore, there is no section number to be inserted here as these Regulations are under the CARICOM model Food Safety Bill. A Member State may have already defined the term "vessel monitoring system" in an Act other than the Fisheries Act. If that is the case, the Member State should insert the name of the other enactment and remove the words "Fisheries Act" and the square brackets. It was decided not to define the term in these model Regulations to allow for consistency with the legislation already existent in Member States.

SCHEDULE 1 (Regulation 6 (1))

Licensed Fishing Vessels

[Specify the categories of fishing vessels to be subject to these Regulations. The categories should be defined according to national fleet definitions and policy requirements].

[In determining the categories of fishing vessel to which these Regulations apply, the Minister shall have regard to –

(a) particular types or classes of fishing vessel;

(b) particular fisheries or fishing areas;

(c) particular types or classes of licence; or

(d) fishing for particular purposes, including export.]

SCHEDULE 2 (Regulation 7, 11(1))

FOOD SAFETY ACT

Aquatic Food Safety Regulations, 20[ ]

Application Form for Fishing Vessel Licence

Application No. _____

1. Is this a first-time application or an application for renewal of fishing vessel licence?
   First-time application / Renewal

2. If this is an application to renew a fishing vessel licence, the previous licence no.
   _____

3. Name of Vessel _____ Identification No./Mark:[44] _____

4. Vessel Registration No. (under *Fisheries Act*) _____

5. Home Port of vessel _____

6. Name of vessel operator _____

7. Address of vessel operator _____

8. Type of vessel [e.g. carrier_____freezer _____ factory _____]

[44] Registration and numbering arrangements for the registration and licensing of fishing vessels vary among Member States. The intention is not to unnecessarily disrupt the arrangements currently in operation in Member States. The model reflects the minimum information that must be supplied by an applicant for a Fishing Vessel Licence in order to meet SPS and food handling standards. On that basis, each Member State may include in the application form information currently required by the Member State for the purposes of ensuring that licensed fishing vessels meet the SPS standards as agreed upon by Member States and reflected in this model.

9. Will persons sleep on vessel? _____ If yes, number of persons to sleep on vessel _____

10. Describe facilities _____

_____

_____

_____

11. Port of loading and off-loading of aquatic food _____

_____

_____

12. Port where aquatic food is to be inspected _____

_____

13. Particulars of harvesting, handling, processing, freezing or storage of aquatic food

_____

14. Particulars of other operations likely to affect the harvesting, handling or processing of aquatic food on board _____

_____

MISCELLANEOUS

This application is to be accompanied by the following:-

(1) Proof of ownership or base of vessel;

(2) The Public Health Certification of crew members[45];

(3) HACCP Plan;

(4) Outline of good manufacturing practices;

(5) Plans depicting the layout of the fishing vessel;

(6) Product flow chart which includes main features of the product flow;

[45] Member States may specify any other forms of certification which will be accepted in addition to, or as a substitute for, public health certification.

(7) List of all major items of equipment and the number of crew and persons carrying out harvesting, handling, processing and storage duties to be used in the processing of aquatic food;

(8) Plan of the potable water supply or provision for the use of clean sea water;

(9) Plan of toilet facilities and means of storage and disposal of solid waste;

(10) If the vessel is a housing vessel, plans of the facilities for the hygienic storage of diving, fishing or other equipment, sleeping facilities and first aid facilities;

(11) Certificate of Type of Approval for sewage treatment plants;

(12) Proof of registration under the [Fisheries Act]; and

(5) Application fee.

Signature of Applicant _____

Date: _____

FOR OFFICIAL USE

Application for Licence / Licence Renewal

Date Inspected _____

Result of Inspection _____

Documents Received _____ Application Granted/Refused

Fee Received _____ If Granted: Licence No. _____

Operating Certificate No. _____

Dated Application Received_____ If refused, reasons for refusal _____

SCHEDULE 3 (Regulation 7(1)(b)

Licence Application Fees

[Licence application fees to be determined at the national level].

SCHEDULE 4[46] (Regulation 7(1)(c), 8(1)(a) and (2)(a))

Design and Construction of Licensed Fishing Vessels

An operator shall cause the following requirements to be satisfied and maintained by a fishing vessel in relation to which an application is submitted for a fishing vessel licence or a licensed fishing vessel, as the case may be.

Internal walls

(1) Internal walls of a licensed fishing vessel shall —

(a) have smooth surfaces and be made of durable and impermeable material;

(b) be constructed of waterproof, non-absorbent and washable materials that are incapable of transmitting substances harmful to aquatic food;

(c) be sealed in all joints so that there can be no ingress of water, pests or contaminants;

(d) be without cracks, holes, flaking paint;

(e) be made of non-corrosive material;

(f) be light in colour and painted with an approved food grade paint;

(g) be impact resistant or protected from impact damage;

(h) be without crevices;

(i) be easy to clean or wash and disinfect; and

(j) be maintained in good condition.

(2) An area of a licensed fishing vessel where water or other liquid is regularly used, angles between—

(a) walls; or

(b) walls and floors,

shall be sealed and covered to facilitate their cleaning.

[46] An enacting Member States has the discretion to determine whether it is appropriate to require the applicant for a fishing vessel licence to show proof of compliance with shipping safety legislation in addition to the requirements set out in Schedule 4 before the application may be approved and the licence issued.

(3) At every intersection within a licensed fishing vessel the walls and floors shall be sealed and covered to facilitate cleaning.

(4) Any walls or partitions that do not abut the ceiling shall be capped to prevent the accumulation of dust.

(5) If a room, including a refrigeration facility, is built within a product handling area, any inaccessible cavity formed between the walls or ceilings of the inner and outer rooms shall be made pest-proof and dust-proof.

Floors

(6) Floors, including the floors in an enclosed handling and processing area on a licensed fishing vessel, shall be—

(a) waterproof;

(b) non-absorbent;

(c) without crevices, cracks, holes or flaking paint;

(d) washable and of non-slip and non-corrosive materials; and

(e) easy to clean and disinfect.

Floor drains

(7) In an area of a licensed fishing vessel where water or other liquid is regularly used—

(a) floors shall slope sufficiently (at least 45°) for liquids to drain to trapped outlets; and

(b) floor drains shall be provided and be adequate in size, number and location to cope with the maximum flow of water under normal working conditions.

(8) All drains shall—

(a) be effectively sealed by a covered trap;

(b) where necessary, be adequately vented to the exterior of the licensed fishing vessel; and

(c) have adequate access for cleaning.

(9) Solids traps installed in conjunction with floor drains shall be designed to enable adequate cleaning.

(10) Floor drains shall not be connected to sanitary drainage to avoid the introduction of gases or noxious fumes into the processing area.

(11) Where floor drains are connected to a storm water drainage system, they shall be designed and maintained to prevent or minimise the effects of flooding.

(12) All open drains shall flow away from product handling areas.

(13) Where there is insufficient provision made in product handling areas for the drainage of water the owner or operator of the licensed processing establishment or licensed fishing vessel shall provide suitable equipment for the removal of the water.

(14) The floor and walls of tanks used for the purification of live bivalve mollusc, echinoderms, tunicates and marine gastropods and any water storage containers shall have a smooth, hard and impermeable surface and be easy to clean by scrubbing or use of pressurized water.

(15) The bases of purification tanks shall be—

(a) sufficiently sloped (at least 45°); and
(b) equipped with adequate drainage.

Ceilings

(16) Ceilings shall be so designed and constructed as to

(a) be smooth and impervious to moisture;
(b) prevent accumulation of dirt;
(c) minimise condensation, the development of mould, and flaking; and
(d) be easy to clean.

(17) The ceilings of product handling areas shall be—

(a) designed and constructed in accordance with paragraph (16);
(b) light in colour; and
(c) free of ledges which may collect dust.

Windows, Doors, External Walls and Vents

(18) Subject to paragraph (19), the windows of product handling areas shall not be capable of being opened.

(19) Windows and vents which can be opened shall be fitted with insect-proof screens which are—

(a) easily removable for cleaning; and

(b) kept in good repair.

(20) Doors and hatches shall—

(a) have smooth, non-absorbent surfaces;

(b) be free of cracks, holes, flaking paint, and made of non-corrosive material;

(c) be close fitting;

(d) be impact resistant or protected from impact damage (including damage by pallets, forklifts and crates); and

(e) be of durable material and easy to clean.

(21) Doors, hatches and other passageways shall be constructed in such a manner as to prevent the entry of pests, and one or more of the following shall be installed—

(a) strip curtains;

(b) air curtains; or

(c) a self or manual closing device.

(22) Airlocks shall be designed to minimise movement of air into or between product handling areas.

(23) Any conveyors or chutes passing through external walls shall be designed, constructed and sealed so as to prevent entry of pests or dust into product handling areas.

(24) If conveyors or chutes pass through external walls, the gaps through which they pass shall be sealed against the entry of pests or dust.

Stairs, Catwalks, Stands, Platforms, etc.

(25) Stairs, catwalks, stands, platforms and ladders in product handling areas shall be—

(a) constructed from material that is impervious, non-slip, non-corrodible, easy to clean and impact resistant; and

(b) so situated and constructed as to prevent contaminants from falling into any aquatic food or onto processing equipment or packaging material.

Product handling areas

(26) An area on a licensed fishing vessel reserved for the storage of aquatic food or a container reserved for the storage of aquatic food—

(a) shall not contain objects or products which may contaminate, adulterate or transmit harmful properties or abnormal characteristics to the aquatic food; and

(b) shall be designed so as to—

(i) allow for easy cleaning; and

(ii) ensure that water resulting from melted ice does not remain in contact with aquatic food.

(27) Unloading and landing equipment shall be—

(a) constructed of material, which –

(i) is easy to clean and disinfect; and

(ii) does not contaminate or adulterate the aquatic food that they are used to convey; and

(b) kept in a good state of repair and cleanliness.

Location of Sea Water Intakes

(28) Sea water intakes for licensed fishing vessels shall be located—

(a) forward of any toilet or bilge discharge; and

(b) at not less than 5 metres from the surface.

Lighting on Vessels

(29) The following requirements apply to product handling areas, inspection areas and decks, respectively—

(a) product handling areas –

(i) shall be adequately lit during loading, handling and offloading of aquatic food; and

(ii) shall not cast shadows on or change the appearance of aquatic food;

(b) an inspection area shall be lit during an inspection of aquatic food; and

(c) the deck shall be fitted with floodlights with adequate shielding to confine illumination to the working area of the vessel.

Refrigeration Facilities

(30) Refrigerated holds and tanks of licensed fishing vessels shall comply with these Regulations.

(31) Hatches and hatch plugs shall be sealed to prevent leakage of cold air from the refrigerated hold and ingress of water into the refrigerated hold.

Chillers

(32) Chilling on a licensed fishing vessel shall be carried out in —

(a) a chiller;
(b) a chiller hold;
(c) a refrigerated sea water tank; or
(d) other suitable equipment.

(33) Chiller capacity shall be sufficient to rapidly cool aquatic food from an ambient temperature to a chill temperature between -1°C to 3°C within six hours after loading and to GOC after sixteen hours and thereafter the aquatic food shall be so maintained.

(34) A tank of a licensed fishing vessel equipped for the chilling of aquatic food in sea water chilled by ice or other means, shall—

(a) be equipped with adequate sea water filling and drainage installations;
(b) incorporate devices for achieving uniform temperature throughout the tanks; and
(c) be capable of recording temperatures from a temperature sensor positioned in the section of the tank where temperatures are highest.

Freezers

(35) A freezer on a licensed fishing vessel shall be—

(a) kept separate from a hold in which frozen aquatic food is stored; and
(b) provided with separate refrigeration.

(36) A freezer located in a hold of a licensed fishing vessel in which frozen aquatic food is stored shall be—

(a) capable of rapidly lowering the temperature of the aquatic food to achieve a core temperature between -18°C and -25°C; and

(b) provided with doors or material that—

(i) ensure its efficiency when operating; and
(ii) effectively divide the freezer from the hold.

(37) A plate freezers in a freezer hold of a licensed fishing vessel shall be capable of reducing the temperature of aquatic food undergoing freezing to a temperature of -18°C or colder.

Cold Storages

(38) A cold storage on a licensed fishing vessel shall be capable of storing frozen aquatic food at a temperature of -18°C or colder.

(39) Holds, tanks and containers for the storage of aquatic food shall be separated from the machinery space and the quarters reserved for the crew by partitions which are impervious and are designed to prevent the contamination of aquatic food.

(40) The interior surfaces of holds, tanks and containers on licensed fishing vessels shall be—

(a) waterproof, easy to wash and disinfect;
(b) smooth and painted with an approved food-grade paint;
(c) without cracks, holes, flaking paint and made of non-corrosive material;
(d) maintained in good condition; and
(e) incapable of transmitting substances harmful to aquatic food.

(41) Holds, tanks or containers used for the storage of aquatic food shall—

(a) be adequate to ensure their preservation under hygienic conditions and allow for the unimpeded drainage of water;
(b) when used, be clean; and
(c) be designed to prevent contamination of the aquatic food by fuel used for the propulsion of the licensed fishing vessel or by bilge water, hydraulic oil or refrigeration gases.

Amenities

(42) Crew assigned to the handling of aquatic food on a licensed fishing vessel shall maintain high standards of personal cleanliness.

(43) Subject to paragraph (44), an operator shall provide toilet and shower facilities on a licensed fishing vessel that are sufficient for the normal crew complement.

(44) The ratio of toilets to the number of persons on board a licensed fishing vessel shall be for –

(a) 1 to 15 persons, 1 toilet;
(b) 16 to 35 persons, 2 toilets;
(c) 36 to 55 persons, 3 toilets;
(d) 56 to 80 persons, 4 toilets;
(e) 81 to 110 persons, 5 toilets;
(f) 111 to 150 persons, 6 toilets; and
(g) over 150 persons, 1 toilet for every additional 40 persons.

(45) An operator shall provide—

(a) adequate facilities for the cleaning and disinfecting of hands, including soaps and sanitisers;
(b) taps that are not hand operated in areas used for handling aquatic food; and
(c) single use hand towels.

(46) Every room on board a licensed fishing vessel in which there is a toilet shall be equipped with a hand basin located therein or immediately outside the door of the room.

(47) A berth shall be available for the use by all crew members of the of the licensed fishing vessel and by an inspector, when aboard the licensing fishing vessel.

(48) An operator shall cause the following items used on board a licensed fishing vessel to be made of, or coated with, a material which is non-corrosive, non-toxic, waterproof, resistant to decay, smooth and easily cleaned and disinfected-

(a) equipment used for gutting, heading and the removal of fins; and
(b) containers and equipment with which aquatic food comes in contact on board the licensed fishing vessel.

Minimum Requirements for Licensed Fishing Vessel Processing Aquatic food within 0.5 Nautical Miles of Land

(49) A licensed fishing vessel within 0.5 nautical miles of land on which aquatic food is processed shall comply with the requirements of these Regulations with respect to—

(a) pest-proofing;
(b) dustproofing;

(c) water supply;
(d) waste disposal; and
(e) amenities for crew.

Minimum Requirements for Carrier Vessel

(50) A carrier vessel shall be equipped with refrigerated or insulated containers for storage of aquatic food and such containers shall—

(a) be clean, sanitised, easy to clean and insulated;
(b) be smooth, light-coloured and impact and abrasion resistant;
(c) have covered internal corners;
(d) be of non-corrodible and non-toxic material;
(e) be covered and self-draining;
(f) be capable of holding an adequate supply of ice or have alternative means of cooling or chilling, as the circumstances may require;
(g) not be capable of transmitting any harmful properties or characteristics to aquatic food; and
(h) be locked and positioned to prevent contamination of the products by—

(i) fuel used for propulsion of the vessel;
(ii) oil;
(iii) fumes or other contaminants present or otherwise used on board; or
(iv) bilge water.

(51) Choppers, knives, equipment referred to in paragraph (48) and other tools used for post-harvest handling of aquatic food on a carrier vessel shall be clean and —

(a) free of rust and corrosion; and
(b) disinfected after every use.

(52) Fishing and diving equipment used on a carrier vessel for the purpose of handling of aquatic food shall be free of rust and corrosion.

(53) Aquatic food placed on a carrier vessel shall be protected from deterioration, contamination and the effects of the sun and other sources of heat.

Minimum Requirements for Factory Vessel

(54) There shall be a reception area on board a factory vessel which shall be set aside for the loading of aquatic food.

(55) A reception area referred to in paragraph (54), and any movable part thereof, shall be—

(a) designed and arranged into fish holds and ponds or pens that are large enough to allow each catch to be separated;

(b) easy to clean; and

(c) designed in such a manner as to protect the aquatic food from exposure to the sun or the elements and from any source of dirt or contamination.

(56) An operator of a factory vessel shall implement a system for conveying aquatic food from the reception area to the work area that conforms with established rules of hygiene under the Food Safety Act.

(57) A factory vessel shall—

(a) be equipped with work areas that are large enough for the preparation and processing of aquatic food in hygienic conditions;

(b) be designed and arranged so as to prevent any contamination of the products;

(c) be equipped with storage areas for aquatic food that are sufficiently large and are designed to allow for easy cleaning;

(d) be equipped with a separate hold designed for the storage of the waste, if a waste processing unit is operated on board;

(e) be equipped with a place for storing packaging materials that is separate from the place where aquatic food is prepared and processed;

(f) be equipped with a place for storing chemicals that is separate from the places where aquatic food is prepared and processed and packaging material is being stored;

(g) be equipped with special equipment for pumping waste or aquatic food that is unfit for human consumption directly into the sea, or where circumstances so require, into a watertight tank reserved for that purpose;

(h) be equipped with separate areas, if waste is stored and processed on board with a view to cleaning the waste; and

(i) be fitted with equipment for providing a supply of potable water.

(58) The sea water intake on a factory vessel shall be so situated that the water being taken in shall not be affected by any discharge into the sea of wastewater, waste or engine coolant.

(59) The discharge of sewage, waste or aquatic food that is unfit for human consumption into the sea or ocean is prohibited, unless the discharge is from a factory vessel which–

(a) has in operation an approved sewage or waste treatment plant; or

(b) is discharging –

(i) comminuted and disinfected sewage, waste or aquatic food that is unfit for human consumption using an approved sewage or waste comminuting and disinfecting system, at a distance greater than 3 nautical miles from the nearest land; or

(ii) sewage, waste or aquatic food that is unfit for human consumption that is not comminuted and disinfected at a distance of more than 12 nautical miles from the nearest land.

Sanitary convenience on factory vessel

(60) A factory vessel shall contain a suitable number of changing rooms, hand washing stations and toilets.

(61) Toilets on a factory vessel shall not open directly into areas where aquatic food is handled.

(62) Hand washing stations shall be equipped with appliances for the washing and drying of hands.

(63) Hand washing stations taps shall be non-hand operated.

Floors and fixtures on factory vessel

(64) A non-slip floor shall be installed in a factory vessel and shall be—

(a) easy to clean and disinfect; and

(b) equipped for easy drainage of water.

(65) The structures and fixtures of a factory vessel shall contain limber holes that are large enough to prevent obstruction by aquatic food waste and to allow for the free drainage of water.

(66) Hydraulic circuits on a factory vessel shall be arranged and protected in such a manner as to ensure that there is no leakage of oil from the hydraulic circuits to contaminate aquatic food or food contact surfaces.

(67) A factory vessel shall be equipped with adequate and protected lighting and shall be adequately ventilated and, where necessary, efficient vapour extraction units shall be installed therein.

(68) An operator of a factory vessel shall cause —

(a) the factory vessel to be equipped with—

(i) appliances for the cleaning and disinfecting of tools, equipment and fittings and with cleaning supplies; and

(ii) taps or hand-washing stations that are not hand operable and with single use towels; and

(b) cutting benches, containers, conveyors, gutting or filleting machines and other equipment and tools on board the factory vessel to be non-toxic, resistant to corrosion, easy to clean and disinfect and properly maintained.

Walls and ceilings

(69) The walls of a factory vessel shall –

(a) have smooth surfaces and be made of durable and impermeable material;

(b) be constructed of waterproof, non-absorbent and washable materials that are incapable of transmitting substances harmful to aquatic food;

(c) be sealed in all joints so that there can be no ingress of water, pests or contaminants;

(d) be without cracks, holes, flaking paint, and made of non-corrosive material;

(e) be light in colour and painted with an approved food grade paint;

(f) be impact resistant or protected from impact damage;

(g) be without crevices;

(h) be easy to clean or wash and disinfect; and

(i) be maintained in good condition.

(70) Ceilings of a factory vessel shall be designed and constructed so as to –

(a) be smooth and impervious to moisture;

(b) prevent accumulation of dirt;

(c) minimise condensation, the development of mould, and flaking; and

(d) be easy to clean.

(71) Ceilings of product handling areas in a factory vessel shall be—

(a) designed and constructed in accordance with paragraph (71);

(b) light in colour; and

(c) free of ledges which may collect dust.

Refrigeration plants

(72) A refrigeration plant on a factory vessel shall be sufficiently powerful to—

(a) lower the temperature rapidly so as to achieve a core temperature of -18°C to -25°C; and

(b) keep aquatic food in the storage holds at a temperature of -18°C.

Storage holds

(73) Storage holds of a factory vessel shall be equipped with a temperature recording system which shall be placed so that it can be easily read.

SCHEDULE 5 (Regulation 8(3)(a))

FOOD SAFETY ACT

Aquatic Food Safety Regulations, 20[ ]

Certificate of Fishing Vessel Licence

Licence to Operate [Carrier Vessel/Factory Vessel/Freezer Vessel]

Licence No. _____

_____

(Name of Operator)

of_____

(Business Address of Operator)

is hereby licensed to operate a *[carrier vessel/factory vessel/freezer vessel] to the home port which is: _____

Vessel Identification No./Mark _____

(Name of Home Port)

This licence is valid for a period of _____ months, unless earlier suspended or revoked, and is not transferable.

The aquatic food which may harvested and found on vessel [identification no./mark] pursuant to this licence are-

This licence is granted under the following condition(s)-

Breach of the *Food Safety Act*, the *Aquatic Food Safety Regulations* [and [*insert name of enactment that regulates the safety of ships*]][47] shall result in suspension or revocation of this licence.

Dated the day of , 20

(Affix Stamp of Food Safety Service)

Signed: _____

Director of Food Safety, Food Safety Service

Delete whichever is inapplicable

[47] The enacting Member State has the discretion to determine whether this ground for suspension or revocation is appropriate in the national context.

SCHEDULE 6

(Regulations 14(3), 16(1)(a) and (c), 17(1)(c) and (7), 18(3) and (4) and 19(2))

Sanitary Operational Requirements for Licensed Fishing Vessels

An operator shall cause the following sanitary operational requirements to be satisfied and maintained by a licensed fishing vessel.

Supply of water

(1) Potable water that is used on board a licensed fishing vessel shall —

(a) be of a reasonable pressure and be in sufficient quantity for good hygiene operations;

(b) at a temperature [that is an accordance with international food safety and public health standards][48];

(c) suitably distributed for good hygiene operations; and

(d) if used in a product handling area and on aquatic food, conform to the parameters and parametric values set out in the Appendix to this Schedule.

(2) The parameters and parametric values set out in the Appendix to this Schedule shall be complied with—

(a) in the case of water supplied from a public or private supply system, at the point at which it emerges from the taps;

(b) in the case of water supplied from a tanker, at the point at which it emerges from the tanker; and

(c) in the case of water used in a licensed fishing vessel, at the point where the water is used in the undertaking.

(3) Where water is chlorinated on board a licensed fishing vessel—

(a) the chlorine shall be added by the dosing or injection method for at least 30 minutes; and

(b) records of the residual chlorine level shall be maintained.

(4) Aquatic food shall not be washed, dipped, glazed or treated with water the chlorine content of which excels the levels permitted for potable water.

[48] Where a Member State has a national temperature standard which is applicable to paragraph (b), the Member State may delete the words in square brackets and substitute the national standard.

(5) Ice used in the handling or preservation of aquatic food shall be made from potable water and shall be manufactured, handled and stored in a manner that will protect it from contamination.

Use of non-potable water

(6) Non-potable water may be used on a licensed fishing vessel for steam production, refrigeration and the cooling of refrigeration equipment, fire control and other similar purposes not connected with the processing of aquatic food.

(7) Non-potable water shall be

(a) conveyed in separate, identifiable, colour-coded lines;

(b) conveyed without causing cross-connection with, or back-siphonage into, any system carrying potable water or clean sea water; and

(c) used in a manner that does not present a risk of contamination to aquatic food.

(8) Non-potable water shall not come in contact with food contact surfaces.

(9) All outlets and distribution lines for non-potable water areas shall be clearly identified.

(10) Where appropriate, clean sea water may be used in product handling areas.

(11) Clean sea water shall be supplied through a pump used only for the purpose or as an emergency pump and shall be extracted, not less than ten metres below the surface.

(12) Storage tanks, cooling towers and pipelines used in handling non-potable water or clean sea water on a licensed fishing vessel shall be constructed in such manner as to facilitate their easy inspection and cleaning.

(13) Water storage tanks on a licensed fishing vessel shall be effectively covered to prevent the entry of pests and potential contaminants.

Disinfection

(14) Where disinfection forms part of the preparation or distribution of water intended for use in the processing of aquatic food, an operator shall cause -

(a) the efficiency of the disinfection treatment applied to be verified; and

(b) any contamination from disinfection by-products to be kept as low as reasonably possible without compromising the disinfection.

Prevention of water contamination

(15) During the installation of a distribution system, an operator shall cause such measures to be taken as are reasonably necessary to keep impurities in, or associated with, articles used in the installation of a distribution system at concentrations –

(a) no higher than are reasonably necessary for the installation to be completed; and

(b) that do not, either directly or indirectly, reduce the wholesomeness of aquatic food.

(16) An operator shall cause such measures to be taken as are reasonably necessary to keep impurities in, or associated with, articles used in equipment for the preparation or distribution of water intended for the processing of aquatic food at concentrations –

(a) no higher than are reasonably necessary for the use of the equipment; and

(b) that do not, either directly or indirectly, reduce the wholesomeness of aquatic food.

Steam

(17) Steam used in direct contact with aquatic food or a contact surface on a licensed fishing vessel shall not contain any substance which may be hazardous to human health or contaminate the aquatic food.

Compressed air and other gasses

(18) Compressed air or any other processing gases that come directly, or indirectly, into contact with aquatic food—

(a) shall in the case of compressed air, be fitted with a filtered air intake located in a clean place;

(b) shall contain no oil or other substance that is hazardous to human health; and

(c) shall not contaminate the aquatic food.

Appendix: Parameters and Parametric Values for Water

[To be inserted at the national level]