
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRADE AND INDUSTRY

NO. R. 934

19 AUGUST 2016

**NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS ACT (Act No.5
of 2008), AS AMENDED THROUGH THE LEGAL METROLOGY ACT
(Act No.9 of 2014)****COMPULSORY SPECIFICATION FOR LIVE LOBSTERS – VC 9104.**

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

**Dr Rob Davies, MP****Minister of Trade and Industry**

SCHEDULE**VC 9104****COMPULSORY SPECIFICATION FOR LIVE LOBSTERS****1 SCOPE**

This Compulsory Specification applies to the harvesting, preparation, packing, conveyance and quality of live lobsters, rock lobsters, spiny lobsters and slipper lobsters (hereafter referred to as lobsters). It also details hygiene requirements for the product and for the packing facility employees.

2 DEFINITIONS

2.1 For the purposes of this Compulsory Specification the definitions in the latest edition of SANS 1680: *Live lobsters*, shall apply.

2.2 In addition, the following definitions shall apply:

2.2.1 applicant: a facility, importer or exporter established within the Republic of South Africa applying for approval of the product and/or factory or establishment.

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

2.2.3 conformity of production: satisfactory evidence that the handling, preparation, packing, quality or conveyance of live lobsters for sale continues to conform to the requirements of this Compulsory Specification.

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

2.2.5 Facility: premises where preparing, handling and packing of live lobsters takes place. Fish shops (over the counter sale shops), hotels, boarding houses, restaurants or other eating houses, as well as entities where the core business are the transportation of goods, are excluded from the scope of this Compulsory Specification.

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

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

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

Codex Alimentarius Commission.

3 GENERAL ADMINISTRATIVE REQUIREMENTS

3.1 All live lobsters offered for sale by a facility, defined in 2.2.5 above, shall comply with requirements of this Compulsory specification.

3.2 The facility for the production of live lobsters shall be pre-approved by the NRCS for conformity of production requirements as prescribed in Annex A.1. Such approval shall be reviewed annually or more frequently.

3.3 The facility may not dispatch live lobsters without a valid NRCS approvals document for the facility.

3.4 Application for official approval of the product(s) shall be made to the NRCS for every consignment of live lobsters which are imported into South Africa in accordance with the requirements of Annex A.2.

3.5 Application for approval required for export or any other purposes as required by the applicant, shall be made in accordance with the requirements of Annex A.3.

3.6 The facility shall provide the NRCS with satisfactory evidence of conformity of production on request.

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

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

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

3.10 A facility shall notify the NRCS, in writing, when its operation is closing down three (3) months before the effective date.

3.11 The testing of live lobsters against the requirements of this Compulsory Specification shall be done by test facilities that are accredited to use the referenced test methods. In the case where there are no test facilities available that are in compliance with the foregoing, the NRCS shall determine which test facilities can be used in terms of its conformity assessment policy.

3.12 The NRCS shall issue health guarantees for export purposes, where required,

in accordance with the requirements of the country of destination as prescribed in Annex B.

4 SPECIFIC REQUIREMENTS

4.1 The harvesting, preparation, storage, packing, conveyance, marking, labelling and quality shall comply with the requirements of the latest edition of SANS 1680.

4.2 All local live lobsters shall be obtained from a source that has a valid permit from DAFF to harvest or supply live lobsters.

4.3 In the event of an amendment or revision of the SANS 1680 standard, the facility shall be in compliance with the amended or revised requirements within six months of publication of the amended or revised standard unless otherwise declared by a special notice by the Minister. If evidence of compliance to such amendments or revisions cannot be provided, the approval of the facility may be withdrawn.

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

5 MARKINGS

Live lobsters shall be marked in accordance with the requirements of the latest edition of SANS 1680. In terms of South African produced products the official facility number issued by the NRCS in accordance with section A 1.4 of this Compulsory Specification shall be included.

ANNEX A

(Normative)

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

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

A.1.1 Details of the facility for which approval is sought;

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

A.1.3 Information required by the NRCS for the measures taken by the applicant to ensure ongoing conformity with the requirements of this Compulsory Specification as well as evidence that the product complies with SANS 1680;

A1.4 The NRCS shall issue an official facility number on approval of the facility.

A.2 APPLICATION FOR APPROVAL OF IMPORTED LIVE LOBSTERS

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

A.2.1 Applicants shall supply details of the live lobsters per consignment for which approval is sought by providing the following information:

- a) The applicable permits as required by DAFF.
- (b) Importers shall supply a health guarantee certificate (Annex C) containing evidence that imported live lobsters originate from a facility approved for export in the country of origin per consignment for which approval is sought evidence that the product complies with SANS 1680. The NRCS may also request that specific testing be performed;
- c) Details of the importer, product, bill of entry, quantity, number of product and batch code(s), code list or bill of lading;
- d) The date and place where it will be available for inspection;
- e) Name and contact details of a contact person;
- f) The number(s) of the bill(s) of entry and the date authorized by custom officials; and
- g) The voyage number of the cargo carrier (vessel, aircraft or registration number of vehicle).

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

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

A.3 APPLICATION FOR EXPORT OF LIVE LOBSTERS

The applicant shall apply to the nearest NRCS regional office for approval of the product(s). The application shall be at least 1 working day prior to the date on which it is needed. The application shall be accompanied by the following:

A.3.1 Where applicants require official approval for export or any other purposes, applicants shall supply details of live lobsters per consignment for which approval is sought by providing information with regards to the type of approval required (e.g. certificate of compliance, health guarantee to a particular country or other specific certification for official purposes).

A.3.2 The applicable permits as required by DAFF;

A.3.3 Details of the markings used on the packed product(s);

A.3.4 Where required by the NRCS, guarantees that the product(s) complies with the prescribed testing requirements outlined in the SANS 1680. The NRCS may also request that specific testing be performed;

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

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

A.4 GRANTING OF APPROVAL

A.4.1 The NRCS shall issue an approvals document, as is applicable for facility, imported products or products destined for export, to the applicant when all the requirements of this Compulsory Specification have been met.

A.4.2 The NRCS shall assign a unique number to each approvals document.

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

A.5 WITHDRAWAL OF APPROVAL

Any approval granted in respect of live lobsters or the facility pursuant to this Compulsory Specification may be withdrawn at any time without prior notice, if compliance with the requirements of this Compulsory Specification has not been maintained. Re-applications will be treated as new applications.

ANNEX B

(Normative)

B.1 HEALTH GUARANTEES FOR EXPORT

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

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

B.1.3 As required, finally prepared and packed live lobsters shall be monitored on the basis of random testing and surveillance programmes.

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

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

ANNEX C**C.1 HEALTH GUARANTEES FOR IMPORTED PRODUCTS**

(ON COMPETENT AUTHORITY'S OFFICIAL LETTERHEAD) Reference no.

Country of dispatch:

Competent Authority:

Inspection Authority:

I. Identification of products

Description of product:

-Scientific name:.....

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

Batch Identification Marks /Code/s

Type and Manner of Packaging:

Number of Packages/Units

Net weightGross weight

Temperature: ChilledFrozenAmbient

.....

II. Origin of Products

Name and address of approved establishment/manufacturing plant

.....

.....

Approval number:.....

Place of loading/ dispatch:.....

III. Destination of products:

County of destination:.....

Port of entry

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

Container number / Flight details :

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

Consignor name and address:.....

Consignee name and address:

IV. Health attestation

The official inspector hereby certifies that:

1. The fishery and/or aquaculture products specified above, have been farmed (where applicable), processed, packed and stored in a facility/ies approved by the Competent Authority and is/are in good standing with the Competent Authority
2. The fishery product/s comply/ies with the particular CODEX Standard for the specific fishery product/s or where there is no such Standard, with the Standards and Technical Regulations legislated by the Republic of South Africa in terms of The

National Regulator For Compulsory Specifications Act (Act No.5 of 2008) an contained and referenced in VC

3. The processing plant and where applicable, aquaculture farms specified above, is/are subject to regular inspection and audit to ensure that production, processing practices and Food Safety Systems are in compliance with requirements of the most updated versions of the general CODEX Principles for Food Hygiene and HACCP (CAC/RCP-1969) as well as with the CODEX Code of Practice for Fishery Products (CAC/RCP 52-2003)

Done at

Name and qualifications of official Inspector:.....

Signature of official inspector:.....

OFFICIAL STAMP WITH DATE