Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette	*No. 11709*	*Regulasiekoerant*
Vol. 708	3 June / Junie 2024	No. 50749

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845

9 771682 584003 50749

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

NO FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

No.		Gazette No.	Page No.
GENERAL NOTICES • ALGEMENE KENNISGEWINGS			
Trade, Industry and Competition, Department of / Handel, Nywerheid en Kompetisie, Departement van			
R. 2543	National Regulator for Compulsory Specifications Act (5/2008), as amended Through Legal Metrology Act (9/2014): Compulsory Specification for Dried Abalone—VC 9108	50749	3
R. 2544	National Regulator for Compulsory Specifications Act (5/2008), as amended Through Legal Metrology Act (9/2014): Amendment of the Compulsory Specification for Frozen Fish, Frozen Marine Mollusc's and Frozen Products derived therefrom—VC 8017	50749	15
R. 2545	National Regulator for Compulsory Specifications Act (5/2008), as amended Through Legal Metrology Act (9/2014): Amendment of the Compulsory Specification for Chilled Smoked Fish and Smoke-Flavoured Finfish and Products Derived therefrom—VC 8021	50749	30
R. 2546	National Regulator for Compulsory Specifications Act (5/2008), as amended Through Legal Metrology Act (9/2014): Amendment of the Compulsory Specification for Frozen Shrimps (Prawns), Langoustines and Crabs, and Products derived therefrom—VC 8031	50749	43

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 2543 OF 2024

NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS ACT (Act 5 of 2008), AS AMENDED THROUGH LEGAL METROLOGY ACT (Act 9 of 2014)

COMPULSORY SPECIFICATION FOR DRIED ABALONE – VC 9108

It is hereby made known under section 13(4) of the National Regulator for Compulsory Specifications Act, (Act 5 of 2008) as amended, that the Minister of Trade Industry and Competition, on the recommendation of the NRCS, intends to declare the new Compulsory Specification for dried abalone (VC9108) as set out in the attached Schedule.

Any person, who wishes to comment on the intention of the Minister to introduce the new Compulsory Specification concerned, shall submit their comments, in writing, to the Chief Executive Officer, National Regulator for Compulsory Specifications, Private Bag X 25, Brooklyn, 0075, or email Ms Maphuti Kutu - Maphuti.Kutu@nrcs.org.za on or before the date two (2) months after the publication of this notice.

Ebrahim Patel, MP

Minister of Trade, Industry and Competition

27 MAY 2024

SCHEDULE

COMPULSORY SPECIFICATION FOR DRIED ABALONE – VC 9108

1. SCOPE

1.1 This Compulsory Specification applies to dried abalone.

2. DEFINITIONS

2.1 For the purposes of this Compulsory Specification the definitions in the latest edition of the SANS (South African National Standard) dried abalone: 2329 are applicable.

2.2 In this Compulsory Specification, any word or expression mentioned to which a meaning has been assigned in the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008), as amended through Legal Metrology Act, 2014 (Act No. 9 of 2014), shall have that meaning unless the context otherwise indicates. In addition, the following definitions shall apply:

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

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

2.2.3 **conformity of production:** evidence that the harvest, manufacture, processing, transport, handling and treatment of dried abalone as in the scope, and products derived therefrom produced for sale continues to conform to the requirements of this Compulsory Specification.

2.2.4 **DFFE:** the Department of Forestry, Fisheries and the Environment.

2.2.5 **factory /establishment/ facility:** a South African based premises or fishing vessels on or in which dried abalone are handled and treated to prepare them for commercial purposes.

2.2.6 **HACCP (Hazard Analysis 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) as amended through the Legal Metrology Act, 2014 (Act No. 9 of 2014).

2.2.8 **official facility number/code:** a unique identification number or code allocated to a factory/ establishment/ facility by the NRCS.

2.2.9 **OIE**: World Organization for Animal Health;

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

2.2.11 **relevant national legislation**: means the following Acts; Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972); NRCS Act 2008 (Act No.5 of 2008); Legal Metrology Act 2014 (Act No. 9 of 2014); National Environmental Management Biodiversity Act, 2004 (Act No 10 of 2004), Marine Living Resources Act 1998 (Act No 18 of 1998), as amended and applicable regulations.

2.2.12 **SAMSM&CP**: the latest edition of the South African Live Molluscan Shellfish Monitoring and Control Programme administered by DFFE.

3. GENERAL ADMINISTRATIVE REQUIREMENTS

3.1 All dried abalone to be offered for sale shall comply with the requirements of this Compulsory Specification.

3.2 The factory/ establishment/ facility for the production of the product in the Republic of South Africa shall be pre-approved by the NRCS for conformity of production requirements as prescribed in Annex A - A.1. Such approval shall be reviewed annually or more frequently as may be determined by the NRCS.

3.3 A factory/ establishment/ facility that is already pre-approved as per 3.2 for dried abalone, may in the case of locally produced products which are going to be sold in the local market, dispatch the product without the NRCS pre-inspection of each consignments.

3.4 Application for approval of the product(s) shall be made to the NRCS for every consignment of the product covered by this specification which are imported into South Africa in accordance with the requirements of Annex A - A.2.

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

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

3.7 **The factory/ establishment/ facility shall inform the NRCS in writing of any** change in the 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 further evidence of conformity or a new application for approval.

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

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

3.10 A factory/ establishment/ 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 dried abalone against the requirements of this Compulsory Specification shall be done by microbiological and chemical test facilities that are accredited to use the referenced test methods or any other accredited method validated against the reference method, and giving results that are better, or at least equal, to the accuracy of the reference method. In the case where there are no test facilities available in the Republic of South Africa that are in compliance with the foregoing, the NRCS shall determine which facilities may be used in terms of its Conformity Assessment Policy.

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

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

3.14 Fees and/or levies shall be applicable as prescribed in the regulation R924 of 15 October 2010 as amended from time to time, published under the NRCS Act.

4. SPECIFIC REQUIREMENTS

4.1 The harvest, manufacture, processing, transport, handling and treatment of dried abalone, as well as the requirements for the ingredients, shall comply with the requirements of the latest edition of SANS 2329.

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

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

and where applicable comply with the SAMSM&CP) and relevant national legislation.

4.4 In the event of an amendment or updating of the SANS standard referenced in 4.1 above, the factory / establishment/ facility shall be in compliance with the amended or updated requirements within six months of publication of the amended or updated standard. If evidence of compliance to such amendments or updates cannot be provided, the approval of the factory / establishment/ facility may be withdrawn.

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

5. MARKINGS

5.1 The products covered in this specification shall be marked in accordance with the requirements of the latest edition of SANS 2329 as applicable and as per the labelling requirements promulgated in terms of the Foodstuffs Cosmetics and Disinfectants Act (Act 54 of 1972) as amended or in compliance with the labelling requirements of the country to which it must be exported. In terms of South African produced products the official factory / establishment /facility number issued by the NRCS in accordance with section A 1.4 of this Compulsory Specification shall be included.

ANNEX A

(Normative)

A1. APPLICATION FOR APPROVAL OF THE FACTORY/ESTABLISHMENT/ FACILITY AND PRODUCT IN THE REPUBLIC OF SOUTH AFRICA

The applicant shall apply in writing to the NRCS for approval of the factory / establishment/ facility. Approval of a factory / establishment/ facility shall be valid for a maximum period of one (1) year. The applicant shall reapply for approval annually. The application shall be accompanied by the following:

A1.1 Details of the facility for which approval is sought;

A1.2 Documentation and records in support of an effective product safety management system. For new factory / establishment/ facility, provisional approval may be given for a period of three months in order to generate the required documentation and records;

A1.3 Information required by the NRCS for the measures taken by the applicant to ensure ongoing conformity with the requirements of this Compulsory Specification; and

A1.4 The NRCS shall issue an official facility number/code on approval of the factory / establishment/ facility.

A2 APPLICATION FOR APPROVAL OF IMPORTED PRODUCTS

The applicant shall apply to the nearest NRCS regional office as soon as the consignment is available for sampling and inspection and subsequent approval of the (imported) product(s). The applicant shall notify the NRCS at least ten (10) working days prior to the date on which approval is needed. The application shall be accompanied by the following:

A2.1 **A.2.1** Applicants shall supply details of the products per consignment for which approval is sought by providing the following information:

a) The applicable permits as required by DFFE/relevant national legislation;

b) Importers shall supply a health guarantee certificate (Annex C) containing evidence that imported products originate from a facility approved for export in the country of origin per consignment for which approval is sought. The NRCS may also request that specific testing be performed;

c) Details of the importer, product, bill of entry (SARS release), 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).

A2.2 Any reasonable additional information to clarify the application as requested by the NRCS.

A2.3 The NRCS may for the purposes of inspection and verification of products, sample products according to the regulatory risk based sampling plans.

A3 APPLICATION FOR APPROVAL OF EXPORT OF PRODUCTS

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

A3.1 Where applicants require official approval for export or any other purposes, applicants shall supply details of products per consignment for which approval is sought by providing information with regards to the type of approval required (e.g. certificate of compliance, health guarantee to a particular country or other specific certification for official purposes).

A3.2 The applicable export permit number issued by DFFE.

A3.3 Details of the markings as required by clause 5 of this Compulsory Specification used on the packed product(s).

A3.4 Where required by the NRCS, guarantees that the product(s) complies with the prescribed testing requirements outlined in the Compulsory Specifications and referenced standards. The NRCS may also request that specific testing required by the importing country be performed.

A3.4 Any reasonable additional information to clarify the application as requested by the NRCS.

A3.5 The NRCS may for the purposes of inspection and verification of products, sample products according to the regulatory risk based sampling plans.

A4. GRANTING OF APPROVAL

A4.1 The NRCS shall issue an approvals document, as is applicable for the facility/ factory / establishment/ facility, imported products or products destined for export, to the applicant when all the requirements of this Compulsory Specification have been met.

A4.2 The NRCS shall assign a unique number to each approvals document.

A4.3 An approvals document shall be the sole proof of approval by the NRCS.

A.5 WITHDRAWAL OF APPROVAL

Any approval granted in respect of the product or the facility/ factory / establishment/ facility pursuant to this Compulsory Specification may be withdrawn, if compliance with the requirements of this Compulsory Specification has not been maintained. Re-applications will be treated as new applications.

ANNEX B

(Normative)

B1. HEALTH GUARANTEES FOR EXPORT

B1.1 The NRCS may provide health guarantees to authorities in countries to which products are exported at the request of exporters, if products have been handled, prepared, processed, packed, transported, refrigerated, stored, and quality thereof are in accordance with the requirements of this Compulsory Specification and/or the requirements of the country of destination. In terms of requirements, all sections of the handling and processing chain are to be in compliance and, where appropriate, random samples may be taken for inspection and verification purposes.

B1.2 Health guarantees shall only be issued for product from approved facility/ factories / establishments requiring such guarantees.

B1.3 As required, finally prepared product/s shall be monitored on the basis of random testing and surveillance programmes.

B1.4 For the issuing of health guarantees, it is required that for every consignment:

a) The product originates from facility/ factories / establishments approved by the NRCS in terms of the requirements of this Compulsory Specification;

b) All products and product codes are reflected in the request for export;

c) The product covered by such a guarantee is fully traceable to its origin; and

d) No health guarantees will be issued for foreign product where the anatomical wholeness has not been changed in South Africa.

ANNEX C

(Normative)

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

(ON AUTHORITY'S OFFICIAL LETTERHEAD) Reference no.

Country of dispatch:

.....

Competent Authority:

.....

Inspection Authority:

I. Identification of products

True description of product: .....

Scientific name: .....

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

Batch Identification Marks /Code/s Type and Manner of Packaging:

.....

.....

Number of Packages/Units .....

Net weight ..... Gross weight .....

Temperature: - Chilled..... Frozen..... Ambient .....

II. Origin of Products

Name and address of approved factories/establishments/facility:

.....

.....

Approval number: .....

Place of loading/ dispatch:.....

III. Destination of products:

County of destination: .....

This gazette is also available free online at **www.gpwonline.co.za**

Port of entry .....

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

Container number / Flight details: .....

Seal number/ Waybill number: .....

Consignor name and address: .....

.....

Consignee name and address:.....

.....

IV. Health attestation

The official inspector hereby certifies that:

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

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

Signature of official Inspector: .....

Official Stamp with date:

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 2544 OF 2024

NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS ACT (Act 5 of 2008), AS AMENDED THROUGH LEGAL METROLOGY ACT (Act 9 of 2014)

AMENDMENT OF THE COMPULSORY SPECIFICATION FOR FROZEN FISH, FROZEN MARINE MOLLUSC'S AND FROZEN PRODUCTS DERIVED THEREFROM – VC 8017

It is hereby made known under section 13(4) of the National Regulator for Compulsory Specifications Act, (Act 5 of 2008) as amended, that the Minister of Trade, Industry and Competition on the recommendation of the NRCS, intends to declare the amendment of the Compulsory Specification for frozen fish, frozen marine molluscs, and frozen products derived therefrom (VC 8017) as set out in the attached Schedule.

Any person, who wishes to comment on the intention of the Minister to introduce the amendment of the Compulsory Specification concerned, shall submit their comments, in writing, to the Chief Executive Officer, National Regulator for Compulsory Specifications, Private Bag X 25, Brooklyn, 0075, or email Ms Maphuti Kutu - Maphuti.Kutu@nrcs.org.za on or before the date two (2) months after the publication of this notice.

Ebrahim Patel, MP

Minister of Trade, Industry and Competition

27 MAY 2024

AMENDMENT OF THE COMPULSORY SPECIFICATION FOR FROZEN FISH, FROZEN MARINE MOLLUSC'S AND FROZEN PRODUCTS DERIVED THEREFROM – VC 8017

1. SCOPE

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

1.2 Fish shops (over the counter sale shops), hotels, boarding houses, restaurants or other eating houses, as well as entities where the core business is the transportation of goods, are excluded from the scope of this Compulsory Specification.

1.3 A shop, packer or retailer involved in the packing or repacking of products that are going to be distributed or sold to other facilities is regarded as a factory/ processing facility/ establishment (see 2.2.6 of this Compulsory Specification) and is required to comply with this Compulsory Specification. It excludes a shop, packer or retailer that packs for their own facility.

2. DEFINITIONS

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

2.2 In this Compulsory Specification, any word or expression mentioned to which a meaning has been assigned in the National Regulator for Compulsory Specifications Act (Act No. 5 of 2008), as amended through Legal Metrology Act (Act No. 9 of 2014), shall have that meaning unless the context otherwise indicates. In addition, the following definitions shall apply:

2.2.1 **applicant:** an importer or exporter or local producer applying for approval of the product and/or factory/ processing facility/ establishment. The importer or exporter or local producer shall be established within the Republic of South Africa.

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

2.2.3 **Competent Authority**: a regulatory body responsible for conducting official inspections and issuing of health certificates for products, appointed by government in the exporting country which has sufficient controls to ensure compliance with applicable regulations/Compulsory Specifications.

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

2.2.5 **DFFE:** the Department of Forestry, Fisheries and Environment.

2.2.6 **factory /processing facility/ establishment:** a South African based premises or fishing vessel on or in which frozen fish, frozen marine molluscs, and frozen products derived therefrom are handled and treated to prepare them for commercial purposes.

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

2.2.8 **handle**: includes manufacture, process, pack, repack, prepare, keep, store, transport, distribute and sell, and "handling" has a corresponding meaning;

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

2.2.10 **official facility number/code/establishment number:** a unique identification number or code allocated to a factory/ processing facility/ establishment by the NRCS.

2.2.11 **OIE**: World Organization for Animal Health.

2.2.12 **food safety management system:** a food safety management system implemented by a factory/ processing facility/ establishment based on the principles of HACCP as recommended by the Codex Alimentarius Commission.

2.2.13 **relevant national legislation:** means the following Acts; Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972); NRCS Act 2008 (Act No.5 of 2008); Legal Metrology Act 2014 (Act No. 9 of 2014); Marine Living Resources Act 1998 (Act No 18 of 1998); Animal Disease Act, 1984 (Act 35 of 1984) and applicable regulations as amended.

2.2.14 **risk based sampling:** means sampling plans as stipulated by applicable Recognized International Standards and Guidelines.

3. GENERAL ADMINISTRATIVE REQUIREMENTS

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

3.2 The factory/ processing facility/ establishment for the production of the product in the Republic of South Africa shall be pre-approved by the NRCS for conformity of production requirements as prescribed in Annex A - A.1. Such approval shall be reviewed annually or more frequently as may be determined by the NRCS.

3.3 A factory/ processing facility/ establishment that is already pre-approved as per 3.2 for frozen fish, frozen marine molluscs, and frozen products derived therefrom, may in the case of locally produced products which are going to be sold in the local market, dispatch the product without the NRCS pre-inspection of each consignments.

3.4 Application for approval of the product(s) shall be made to the NRCS for every consignment of the product covered by this Compulsory Specification which are imported into South Africa in accordance with the requirements of Annex A - A.2.

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

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

3.7 The factory/ processing facility/ establishment shall inform the NRCS in writing of any change in the 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 further evidence of conformity or a new application for approval.

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

3.9 A factory/processing facility/ establishment shall immediately notify the NRCS in writing when it is no longer maintaining a food safety management system".

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

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

3.12 The testing of frozen fish, frozen marine molluscs, and frozen products derived therefrom against the requirements of this Compulsory Specification shall be done by testing facilities that are accredited to use the referenced test methods or any other accredited method validated against the reference method, and giving results that are better, or at least equal, to the accuracy of the reference method. In the case where there are no test facilities available in the Republic of South Africa that are in compliance with the foregoing, the NRCS shall determine which facilities may be used in terms of its Conformity Assessment Policy.

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

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

3.15 Fees and/or levies shall be applicable as prescribed in the regulation R924 of 15 October 2010 as amended from time to time, published under the NRCS Act.

4. SPECIFIC REQUIREMENTS

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

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

4.3 All local Aquaculture and wild products for processing shall be obtained from a source that has a valid permit from DFFE to either harvest, grow, process or supply fish or marine molluscs and where applicable comply with the official food safety monitoring programmes administered by DFFE and relevant national legislation.

4.4 In the event of an amendment or updating of the SANS standard referenced in 4.1 above, the factory/ processing facility/ establishment shall be in compliance with the amended or updated requirements within six (6) months of publication of the amended or updated standard. If evidence of compliance to such amendments or updates cannot be provided, the approval of the factory/processing facility/ establishment may be withdrawn.

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

5. MARKINGS

5.1 The products covered in this specification shall be marked in accordance with the requirements of the latest edition of SANS 585 as applicable and as per the labelling requirements promulgated in terms of the Foodstuffs Cosmetics and Disinfectants Act (Act 54 of 1972) as amended or in compliance with the labelling requirements of the country to which it must be exported. In terms of South African produced products the official factory/ processing facility/ establishment

number issued by the NRCS in accordance with section A 1.5 of this Compulsory Specification shall be included. Traceability shall be maintained.

ANNEX A

(Normative)

A.1 APPLICATION FOR APPROVAL OF THE FACTORY/PROCESSING FACILITY/ ESTABLISHMENT AND PRODUCT IN THE REPUBLIC OF SOUTH AFRICA

The applicant shall apply in writing to the NRCS for approval of the factory/ processing facility/ establishment. Approval of a factory/ processing/ establishment facility shall be valid for a maximum period of one (1) year. The applicant shall reapply for approval annually. The application shall be accompanied by the following:

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

A.1.2 Documentation and records in support of an effective food safety management system as required by clause 4.2 of this Compulsory Specification and 4.1 of SANS 585 (documented procedures and requirements for Factory construction, layout and conditions). For new factory/ processing facility/ establishment, provisional approval may be given for a period of three (3) months in order to generate the required documentation and records;

A.1.3 Where required by the NRCS, guarantees that the product(s) complies/comply with the prescribed testing requirements as per SANS 585. The NRCS may also request that specific testing be performed;

A.1.4 Information required by the NRCS for the measures taken by the applicant to ensure ongoing conformity with the requirements of this Compulsory Specification;

A1.5 The NRCS shall issue an official facility number/code on approval of the factory/ processing facility/ establishment; and

A.1.6 Evidence of a Certificate of Acceptability (COA) as required under relevant national legislation of the Department of Health.

A.2 APPLICATION FOR APPROVAL OF IMPORTED PRODUCTS

The applicant shall apply to the nearest NRCS regional office as soon as the consignment is available for sampling, inspection and subsequent approval of the (imported) product(s). The applicant shall notify the NRCS at least ten (10) working days prior to the date on which approval is needed. The application shall be accompanied by the following:

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

a) The applicable permits as required by DFFE or relevant national legislation;

b) Importers shall supply a health guarantee certificate (Annex C) containing evidence that imported products originate from a facility approved for export in the country of origin per consignment for which approval is sought. The NRCS may also request that specific testing be performed;

c) Details of the importer, product, bill of entry (SARS release), 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.2.4 Approval shall be made approximately ten (10) working days after application has been submitted to the NRCS provided all applicable results of inspection are received and compliant: Provided that if re-sampling is required the approval process may take longer.

A.3 APPLICATION FOR APPROVAL OF EXPORT OF PRODUCTS

The applicant shall apply to the nearest NRCS regional office for approval of the product(s). The application shall be submitted at least ten (10) 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 products per consignment for which approval is sought by providing information with regards to the type of approval required (e.g. certificate of compliance, health guarantee to a particular country or other specific certification for official purposes).

A.3.2 The applicable permits as required by DEFF/relevant national legislation.

A.3.3 Details of the markings as required by clause 5 of this Compulsory Specification used on the packed product(s).

A.3.4 Where required by the NRCS, guarantees that the product(s) complies/comply with the prescribed testing requirements outlined in the Compulsory Specifications and referenced standards. The NRCS may also request that specific testing required by the importing country be performed.

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

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 the factory/ processing facility/ establishment, 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

A.5.1 Any approval granted in respect of the product or the factory/ processing facility/ establishment pursuant to this Compulsory Specification may be withdrawn, 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, repacked, transported, refrigerated, frozen, stored, and quality are in accordance with the requirements of this Compulsory Specification and/or the requirements of the country of destination. In terms of requirements, all sections of the handling and processing chain are to be in compliance and, where appropriate, random samples may be taken for inspection and verification purposes.

B.1.2 Health guarantees shall only be issued for product from approved factories / processing facilities/ establishments requiring such guarantees.

B.1.3 As required, finally prepared product/s shall be monitored on the basis of random testing and surveillance programmes.

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

a) The product originates from factories / processing facilities/ establishments approved by the NRCS in terms of the requirements of this Compulsory Specification;

b) All products and product codes are reflected in the request for export; and

c) The product covered by such a guarantee is fully traceable to its origin.

B.1.5 No health guarantees will be issued for foreign product where the anatomical wholeness has not been changed in South Africa.

ANNEX C

(Normative)

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

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

Country of dispatch:

.....

Competent Authority:

.....

Inspection Authority:

I. Identification of products

True description of product:

.....

Scientific name:

.....

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

Batch Identification Marks /Code/s Type and Manner of Packaging:

.....

.....

Number of Packages/Units .....

Net weight ..... Gross weight .....

Temperature: - Chilled..... Frozen..... Ambient .....

II. Origin of Products

Name and address of approved factories/processing facility:

.....

.....

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/ Waybill number: .....

Consignor name and address: .....

.....

Consignee name and address:.....

.....

IV. Health attestation

The official inspector hereby certifies that:

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

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

.....Signature of official Inspector: .....

Official Stamp with date:

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 2545 OF 2024

NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS ACT (Act 5 of 2008), AS AMENDED THROUGH LEGAL METROLOGY ACT (Act 9 of 2014)

AMENDMENT OF THE COMPULSORY SPECIFICATION FOR CHILLED SMOKED FISH AND SMOKE-FLAVOURED FINFISH AND PRODUCTS DERIVED THEREFROM (VC 8021)

It is hereby made known under section 13(4) of the National Regulator for Compulsory Specifications Act, (Act 5 of 2008) as amended, that the Minister of Trade and Industry, on the recommendation of the NRCS, intends to declare the amendment of the Compulsory Specification amendment of a Compulsory Specification for chilled smoked fish and smoke-flavoured finfish and products derived therefrom (VC 8021) as set out in the attached Schedule.

Any person, who wishes to comment on the intention of the Minister to introduce the new Compulsory Specification concerned, shall submit their comments, in writing, to the Chief Executive Officer, National Regulator for Compulsory Specifications, Private Bag X 25, Brooklyn, 0075, or email Ms Maphuti Kutu - Maphuti.Kutu@nrcs.org.za on or before the date two (2) months after the publication of this notice.

Ebrahim Patel, MP

Minister of Trade, Industry and Competition

27 MAY 2024

SCHEDULE

THE COMPULSORY SPECIFICATION FOR CHILLED SMOKED FINFISH AND SMOKE-FLAVOURED FINFISH AND PRODUCTS DERIVED THEREFROM – VC 8021

1. SCOPE

1.1 This Compulsory Specification applies to chilled smoked finfish and smoke-flavoured finfish to be sold as fresh or chilled. It deals with whole fish, fillets, sliced and similar products thereof either for direct consumption or further processing.

1.2 Products handled by Fish Shops i.e. over the counter sale shops that doesn't distribute the products for sale to other premises, Hotels, Boarding Houses, Restaurants or Other Eating Houses for catering purposes, as well as entities where the core business is the transportation of goods, are excluded are excluded from the scope of this Compulsory Specification.

1.3 A shop, packer or retailer involved in the packing of products that are going to be distributed or sold to other facilities is regarded as a factory/ processing facility (see 2.2.5 of this Compulsory Specification) and is required to comply with this Compulsory Specification.

2. DEFINITIONS

2.1 For the purposes of this Compulsory Specification the definitions in the latest edition of the SANS (South African National Standard) 2877: Chilled smoked finfish and smoke-flavoured finfish and products derived therefrom are applicable.

2.2 In this Compulsory Specification, any word or expression mentioned to which a meaning has been assigned in the National Regulator for Compulsory Specifications Act (Act No. 5 of 2008), as amended through Legal Metrology Act (Act No. 9 of 2014), shall have that meaning unless the context otherwise indicates. In addition, the following definitions shall apply:

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

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

2.2.3 **conformity of production:** evidence that the handling, preparation, processing, packing, transportation, chilling, storage and quality of chilled smoked finfish and smoke-flavoured finfish and products derived therefrom as in the scope, produced for sale continues to conform to the requirements of this Compulsory Specification.

2.2.4 **DFFE:** the Department of Forestry, Fisheries and Environment.

2.2.5 **factory /processing facility:** a South African based premises or fishing vessel on or in which chilled smoked finfish and smoke-flavoured finfish and products derived therefrom are handled and treated to prepare them for commercial purposes.

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

2.2.7 **handle**: includes manufacture, process, pack, repack, prepare, keep, store, transport, distributes and sells, and "handling" has a corresponding meaning.

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

2.2.9 **official facility number/code:** a unique identification number or code allocated to a factory/ processing facility by the NRCS.

2.2.10 **OIE**: World Organization for Animal Health.

2.2.11 **food safety management system:** a food safety management system implemented by a factory/ processing facility based on the principles of HACCP as recommended by the Codex Alimentarius Commission.

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

3. GENERAL ADMINISTRATIVE REQUIREMENTS

3.1 All smoked finfish, smoke-flavoured finfish and products derived therefrom as per the scope of this specification, to be offered for sale, shall comply with the requirements of this Compulsory Specification.

3.2 The factory/ processing facility for the production of the product in the Republic of South Africa shall be pre-approved by the NRCS for conformity of production requirements as prescribed in Annex A - A.1. Such approval shall be reviewed annually or more frequently as may be determined by the NRCS.

3.3 A factory/ processing facility that is already pre-approved as per 3.2 for smoked finfish, smoke-flavoured finfish and products derived therefrom, may in the case of locally produced products which are going to be sold in the local market, dispatch the product without the NRCS pre-inspection of each consignments.

3.4 Application for approval of the product(s) shall be made to the NRCS for every consignment of the product covered by this Compulsory Specification which are imported into South Africa in accordance with the requirements of Annex A - A.2.

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

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

3.7 The factory/ processing facility shall inform the NRCS in writing of any change in the 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 further evidence of conformity or a new application for approval.

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

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

3.10 A factory/ processing 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 smoked finfish, smoke-flavoured finfish and products derived therefrom against the requirements of this Compulsory Specification shall be done by microbiological and chemical test facilities that are accredited to use the referenced test methods or any other accredited method validated against the reference method, and giving results that are better, or at least equal, to the accuracy of the reference method. In the case where there are no test facilities available in the Republic of South Africa that are in compliance with the foregoing, the NRCS shall determine which facilities may be used in terms of its Conformity Assessment Policy.

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

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

3.14 Fees and/or levies shall be applicable as prescribed in the regulation R924 of 15 October 2010 as amended from time to time, published under the NRCS Act.

4. SPECIFIC REQUIREMENTS

4.1 The handling, preparation, processing, packing, transportation, storage and quality of smoked finfish, smoke-flavoured finfish and products derived therefrom, as well as the requirements for the ingredients, shall comply with the requirements of the latest edition of SANS 2877.

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

4.3 All local Aquaculture and wild products for processing shall be obtained from a source that has a valid permit from DFFE to either harvest, grow, process or

supply fish and where applicable comply with the official food safety monitoring programmes administered by DFFE and relevant national legislation.

4.4 In the event of an amendment or updating of the SANS standard referenced in 4.1 above, the factory/ processing facility shall be in compliance with the amended or updated requirements within six (6) months of publication of the amended or updated standard. If evidence of compliance to such amendments or updates cannot be provided, the approval of the factory/ processing facility may be withdrawn.

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

5. MARKINGS

5.1 The products covered in this specification shall be marked in accordance with the requirements of the latest edition of SANS 2877 as applicable and as per the labelling requirements promulgated in terms of the Foodstuffs Cosmetics and Disinfectants Act (Act 54 of 1972) as amended or in compliance with the labelling requirements of the country to which it must be exported. In terms of South African produced products the official factory/ processing facility number issued by the NRCS in accordance with section A 1.4 of this Compulsory Specification shall be included. Traceability shall be maintained.

ANNEX A

(Normative)

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

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

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

A.1.2 Documentation and records in support of an effective food safety management system as required by clause 4.2 of this Compulsory Specification and 4.1 of SANS 2877 (documented procedures and methods for Factory construction, layout and conditions). For new factory/ processing facility, provisional approval may be given for a period of three months in order to generate the required documentation and records;

A.1.3 Where required by the NRCS, guarantees that the product(s) complies with the prescribed testing requirements as per SANS 2877. The NRCS may also request that specific testing be performed;

A.1.4 Information required by the NRCS for the measures taken by the applicant to ensure ongoing conformity with the requirements of this Compulsory Specification;

A1.5 The NRCS shall issue an official facility number/code on approval of the factory/ processing facility; and

A.1.6 Evidence of a Certificate of Acceptability (COA) as required under relevant national legislation of the Department of Health.

A.2 APPLICATION FOR APPROVAL OF IMPORTED PRODUCTS

The applicant shall apply to the nearest NRCS regional office as soon as the consignment is available for sampling and inspection and subsequent approval of the (imported) product(s). The applicant shall notify the NRCS at least five (5) working days prior to the date on which approval is needed. The application shall be accompanied by the following:

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

a) The applicable permits as required by DFFE;

(b) Importers shall supply a health guarantee certificate (Annex C) containing evidence that imported products originate from a facility approved for export in the country of origin per consignment for which approval is sought. The NRCS may also request that specific testing be performed;

c) Details of the importer, product, bill of entry (SARS release), 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 APPROVAL OF EXPORT OF PRODUCTS

The applicant shall apply to the nearest NRCS regional office for approval of the product(s). The application shall be submitted at least one (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 products per consignment for which approval is sought by providing information with regards to the type of approval required (e.g. certificate of compliance, health guarantee to a particular country or other specific certification for official purposes).

A.3.2 The applicable permits as required by DFFE/relevant national legislation.

A.3.3 Details of the markings as required by clause 5 of this Compulsory Specification 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 Compulsory Specifications and referenced standards. The NRCS may also request that specific testing required by the importing country be performed.

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

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 the factory/ processing facility, supplier, seller, 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

A.5.1 Any approval granted in respect of the product or the factory/ processing facility pursuant to this Compulsory Specification may be withdrawn, if compliance with the requirements of this Compulsory Specification has not been maintained. Re-applications will be treated as new applications as per clause 3.2.

ANNEX B

(Normative)

B.1 HEALTH GUARANTEES FOR EXPORT

B.1.1 The NRCS may provide health guarantees to authorities in countries to which products are exported at the request of exporters, if products have been handled, prepared, processed, packed, transported, refrigerated, stored, and quality are in accordance with the requirements of this Compulsory Specification and/or the requirements of the country of destination. In terms of requirements, all sections of the handling and processing chain are to be in compliance and, where appropriate, random samples may be taken for inspection and verification purposes.

B.1.2 Health guarantees shall only be issued for product from approved factories / processing facilities requiring such guarantees.

B.1.3 As required, finally prepared product/s shall be monitored on the basis of random testing and surveillance programmes.

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

a) The product originates from factories / processing facilities 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.

B.1.5 No health guarantees will be issued for foreign product where the anatomical wholeness has not been changed in South Africa.

ANNEX C

(Normative)

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

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

Country of dispatch:

.....

Competent Authority:

.....

Inspection Authority:

I. Identification of products

True description of product:

.....

Scientific name:

.....

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

Batch Identification Marks /Code/s Type and Manner of Packaging:

.....

.....

Number of Packages/Units .....

Net weight ..... Gross weight .....

Temperature: - Chilled..... Frozen..... Ambient .....

II. Origin of Products

Name and address of approved factories/processing facility:

.....

.....

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/ Waybill number: .....

Consignor name and address: .....

.....

Consignee name and address:.....

.....

IV. Health attestation

The official inspector hereby certifies that:

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

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

.....Signature of official Inspector: .....

Official Stamp with date:

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 2546 OF 2024

NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS ACT (Act 5 of 2008), AS AMENDED THROUGH LEGAL METROLOGY ACT (Act 9 of 2014)

AMENDMENT OF THE COMPULSORY SPECIFICATION FOR FROZEN SHRIMPS (PRAWNS), LANGOUSTINES AND CRABS, AND PRODUCTS DERIVED THEREFROM – VC 8031

It is hereby made known under section 13(4) of the National Regulator for Compulsory Specifications Act, (Act 5 of 2008) as amended, that the Minister of Trade, Industry and Competition on the recommendation of the NRCS, intends to declare the amendment of the Compulsory Specification for frozen shrimps (prawns), langoustines and crabs, and products derived therefrom, (VC 8031) as set out in the attached Schedule.

Any person, who wishes to comment on the intention of the Minister to introduce the amendment of the Compulsory Specification concerned, shall submit their comments, in writing, to the Chief Executive Officer, National Regulator for Compulsory Specifications, Private Bag X 25, Brooklyn, 0075, on or before the date two (2) months after the publication of this notice.

Ebrahim Patel, MP

Minister of Trade, Industry and Competition

27 MAY 2024

SCHEDULE

AMENDMENT OF THE COMPULSORY SPECIFICATION FOR FROZEN SHRIMPS (PRAWNS), LANGOUSTINES AND CRABS, AND PRODUCTS DERIVED THEREFROM – VC 8031

1. SCOPE

1.1 This Compulsory Specification applies to the handling, preparation, processing, packing, transportation, freezing, storage and quality of frozen shrimps (prawns), langoustines and crabs, and products derived therefrom, for human consumption, which are to be offered for sale.

1.2 Fish shops (over the counter sale shops), hotels, boarding houses, restaurants or other eating houses, as well as entities where the core business is the transportation of goods, are excluded from the scope of this Compulsory Specification.

1.3 A shop, packer or retailer involved in the packing or repacking of products that are going to be distributed or sold to other facilities is regarded as a factory/ processing facility/ establishment (see 2.2.6 of this Compulsory Specification) and is required to comply with this Compulsory Specification. It excludes a shop, packer or retailer that packs for their own facility.

2. DEFINITIONS

2.1 For the purposes of this Compulsory Specification the definitions in the latest edition of SANS 788: *"Frozen shrimps (prawns), langoustines and crabs*, shall apply.

2.2 In this Compulsory Specification, any word or expression mentioned to which a meaning has been assigned in the National Regulator for Compulsory Specifications Act (Act No. 5 of 2008), as amended through Legal Metrology Act (Act No. 9 of 2014), shall have that meaning unless the context otherwise indicates. In addition, the following definitions shall apply:

2.2.1 **applicant:** an importer or exporter or local producer applying for approval of the product and/or factory/ processing facility/ establishment. The importer or exporter or local producer shall be established within the Republic of South Africa.

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

2.2.3 **Competent Authority**: a regulatory body responsible for conducting official inspections and issuing of health certificates for products, appointed by government in the exporting country which has sufficient controls to ensure compliance with applicable regulations/Compulsory Specifications.

2.2.4 **conformity of production:** evidence that the handling, preparation, processing, packing, transportation, freezing, storage and quality of frozen shrimps (prawns), langoustines and crabs and products derived therefrom as in the scope, produced for sale continues to conform to the requirements of this Compulsory Specification.

2.2.5 **DFFE:** the Department of Forestry, Fisheries and Environment.

2.2.6 **factory /processing facility/establishment:** a South African based premises or fishing vessel on or in which storage and quality of frozen shrimps (prawns), langoustines and crabs and products derived therefrom, are handled and treated to prepare them for commercial purposes.

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

2.2.8 **handle**: includes manufacture, process, pack, repack, prepare, keep, store, transport, distribute and sell, and "handling" has a corresponding meaning;

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

2.2.10 **official facility number/code/establishment number:** a unique identification number or code allocated to a factory/ processing facility/ establishment by the NRCS.

2.2.11 **OIE**: World Organization for Animal Health.

2.2.12 **food safety management system:** a food safety management system implemented by a factory/ processing facility/ establishment based on the principles of HACCP as recommended by the Codex Alimentarius Commission.

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

2.2.14 **risk based sampling:** means sampling plans as stipulated by applicable Recognized International Standards and Guidelines.

3. GENERAL ADMINISTRATIVE REQUIREMENTS

3.1 All frozen shrimps (prawns), langoustines and crabs and products derived therefrom, as per the scope of this specification, to be offered for sale, shall comply with the requirements of this Compulsory Specification.

3.2 The factory/ processing facility/ establishment for the production of the product in the Republic of South Africa shall be pre-approved by the NRCS for conformity of production requirements as prescribed in Annex A - A.1. Such approval shall be reviewed annually or more frequently as may be determined by the NRCS.

3.3 A factory/ processing facility/ establishment that is already pre-approved as per 3.2 for frozen shrimps (prawns), langoustines and crabs and products derived therefrom, may in the case of locally produced products which are going to be sold in the local market, dispatch the product without the NRCS pre-inspection of each consignments.

3.4 Application for approval of the product(s) shall be made to the NRCS for every consignment of the product covered by this Compulsory Specification which are imported into South Africa in accordance with the requirements of Annex A - A.2.

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

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

3.7 The factory/ processing facility/ establishment shall inform the NRCS in writing of any change in the 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 further evidence of conformity or a new application for approval.

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

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

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

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

3.12 The testing of frozen fish, marine molluscs, and products derived therefrom against the requirements of this Compulsory Specification shall be done by testing facilities that are accredited to use the referenced test methods or any other accredited method validated against the reference method, and giving results that are better, or at least equal, to the accuracy of the reference method. In the case where there are no test facilities available in the Republic of South Africa that are in compliance with the foregoing, the NRCS shall determine which facilities may be used in terms of its Conformity Assessment Policy.

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

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

3.15 Fees and/or levies shall be applicable as prescribed in the regulation R924 of 15 October 2010 as amended from time to time, published under the NRCS Act.

4. SPECIFIC REQUIREMENTS

4.1 The handling, preparation, processing, packing, repacking, transportation, freezing of frozen shrimps (prawns), langoustines and crabs and products derived therefrom, as well as the requirements for the ingredients glazing and frozen storage, shall comply with the requirements of the latest edition of SANS 788.

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

4.3 All local Aquaculture and wild products for processing shall be obtained from a source that has a valid permit from DFFE to either harvest, grow, process or supply shrimps (prawns), langoustines and crabs and where applicable comply with the official food safety monitoring programmes administered by DFFE and relevant national legislation.

4.4 In the event of an amendment or updating of the SANS standard referenced in 4.1 above, the factory/ processing facility/ establishment shall be in compliance with the or updated requirements within six (6) months of publication of the amended or updated standard. If evidence of compliance to such amendments or updates cannot be provided, the approval of the factory/ processing facility/ establishment may be withdrawn.

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

5 MARKINGS

5.1 The products covered in this specification shall be marked in accordance with the requirements of the latest edition of SANS 788 as applicable and as per the labelling requirements promulgated in terms of the Foodstuffs Cosmetics and Disinfectants Act (Act 54 of 1972) as amended or in compliance with the labelling requirements of the country to which it must be exported. In terms of South African produced products the official factory/ processing facility/ establishment number issued by the NRCS in accordance with section A 1.5 of

this Compulsory Specification shall be included. Traceability shall be maintained.

ANNEX A

(Normative)

A.1 APPLICATION FOR APPROVAL OF THE FACTORY/PROCESSING FACILITY/ ESTABLISHMENT AND PRODUCT IN THE REPUBLIC OF SOUTH AFRICA

The applicant shall apply in writing to the NRCS for approval of the factory/ processing facility/ establishment. Approval of a factory/ processing facility/ establishment shall be valid for a maximum period of one (1) year. The applicant shall reapply for approval annually. The application shall be accompanied by the following:

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

A.1.2 Documentation and records in support of an effective food safety management system as required by clause 4.2 of this Compulsory Specification and 4.1 of SANS 788 (documented procedures and requirements for Factory construction, layout and conditions). For new factory/ processing facility/ establishment, provisional approval may be given for a period of three months in order to generate the required documentation and records;

A.1.3 Where required by the NRCS, guarantees that the product(s) complies/comply with the prescribed testing requirements as per SANS 788. The NRCS may also request that specific testing be performed;

A.1.4 Information required by the NRCS for the measures taken by the applicant to ensure ongoing conformity with the requirements of this Compulsory Specification;

A1.5 The NRCS shall issue an official facility number/code on approval of the factory/ processing facility/ establishment; and

A.1.6 Evidence of a Certificate of Acceptability (COA) as required under relevant national legislation of the Department of Health.

A.2 APPLICATION FOR APPROVAL OF IMPORTED PRODUCTS

The applicant shall apply to the nearest NRCS regional office as soon as the consignment is available for sampling and inspection and subsequent approval of the

(imported) product(s). The applicant shall notify the NRCS at least ten (10) working days prior to the date on which approval is needed. The application shall be accompanied by the following:

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

a) The applicable permits as required by DFFE;

b) Importers shall supply a health guarantee certificate (Annex C) containing evidence that imported products originate from a facility approved for export in the country of origin per consignment for which approval is sought. The NRCS may also request that specific testing be performed;

c) Details of the importer, product, bill of entry (SARS release), 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.2.4 Approval shall be made approximately ten (10) working days after application has been submitted to the NRCS provided all applicable results of inspection are received and compliant: Provided that if re-sampling is required the approval process may take longer.

A.3 APPLICATION FOR APPROVAL OF EXPORT OF PRODUCTS

The applicant shall apply to the nearest NRCS regional office for approval of the product(s). The application shall be submitted at least ten (10) 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 products per consignment for which approval is sought by providing information with regards to the type of approval required (e.g. certificate of compliance, health guarantee to a particular country or other specific certification for official purposes).

A.3.2 The applicable permits as required by DFFE/relevant national legislation.

A.3.3 Details of the markings as required by clause 5 of this Compulsory Specification used on the packed product(s).

A.3.4 Where required by the NRCS, guarantees that the product(s) complies/comply with the prescribed testing requirements outlined in the Compulsory Specifications and referenced standards. The NRCS may also request that specific testing required by the importing country be performed.

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

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 the factory/ processing facility/ establishment, 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

A.5.1 Any approval granted in respect of the product or the factory/ processing facility/ establishment pursuant to this Compulsory Specification may be withdrawn, 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, repack, transported, refrigerated, frozen, stored, and quality are in accordance with the requirements of this Compulsory Specification and/or the requirements of the country of destination. In terms of requirements, all sections of the handling and processing chain are to be in compliance and, where appropriate, random samples may be taken for inspection and verification purposes.

B.1.2 Health guarantees shall only be issued for product from approved factories / processing facilities/ establishments requiring such guarantees.

B.1.3 As required, finally prepared product/s shall be monitored on the basis of random testing and surveillance programmes.

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

a) The product originates from factories / processing facilities/ establishments approved by the NRCS in terms of the requirements of this Compulsory Specification;

b) All products and product codes are reflected in the request for export; and

c) The product covered by such a guarantee is fully traceable to its origin.

B.1.5 No health guarantees will be issued for foreign product where the anatomical wholeness has not been changed in South Africa.

ANNEX C

(Normative)

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

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

Country of dispatch:

……

Competent Authority:

……

Inspection Authority:

I. Identification of products

True description of product:

……

Scientific name:

……

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

Batch Identification Marks /Code/s Type and Manner of Packaging:

……

……

Number of Packages/Units ……

Net weight …… Gross weight ……

Temperature: - Chilled…… Frozen…… Ambient ……

II. Origin of Products

Name and address of approved factories/processing facility:

……

……

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/ Waybill number: ……..

Consignor name and address: ……..

……

Consignee name and address:……

……

IV. Health attestation

The official inspector hereby certifies that:

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

Signed at: ……..... Name and qualifications of official Inspector: ……

……Signature of official Inspector: ……..

Official Stamp with date:

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

This gazette is also available free online at **www.gpwonline.co.za**