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FINAL TECHNICAL REPORT

Technical Support to develop model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States




CRFM Secretariat
2015

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Final Technical Report – Technical support to develop model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

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under contract to the Caribbean Regional Fisheries Mechanism (CRFM) Secretariat through the 10th EDF funded Sanitary and Phytosanitary (SPS) Measures Project.

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Finally, thanks are expressed to all regional and national stakeholders (too many to list individually) who attended national consultative meetings and workshops and the regional validation workshop for their informative, constructive and active participation, and in particular to national focal points who assisted capably in the organization of national missions.

Abbreviations and Acronyms

APHIS	Animal and Plant Health Service of the USA
CA	Competent Authority
CAC	CODEX Alimentarius Commission
CAHFSA	CARICOM Agricultural Health and Food Safety Agency
CARDI	Caribbean Agricultural Development Institute
Carib-Vet	Caribbean Animal Health Surveillance Network
CARICOM	Caribbean Community
CBD	Convention of Biological Diversity
CCAP	CARICOM Community Agricultural Policy
CDC	Centres for Disease Control
COTED	Council for Trade and Economic Development
CROSQ	CARICOM Regional Organization for Standards and Quality
CSME	CARICOM Single Market and Economy
EMA	Environmental Management Authority
EPA	Environment Protection Agency
EPA	Economic Partnership Agreement
FAO	Food and Agricultural Organization of the United Nations
FDA	Food and Drug Administration (of the United States of America)
GAP	Good Agricultural Practice
GMOs	Genetically Modified Organisms
HACCP	Hazard Analysis Critical Control Point
ICPM	International Commission on Phytosanitary Measures
IICA	Inter-American Institute for Co-operation in Agriculture
IPPC	International Plant Protection Convention
ISO	International Organization for Standards
MS	Member State(s)
MRL	Maximum Residue Limits
NAHFSA	National Agricultural Health and Food Safety Agency
NARI	National Agricultural Research Institute
NEPA	National Environmental and Planning Agency
NGO	Non-Government Organization
OECD	Organization for Economic Cooperation and Development

OECS	Organisation of Eastern Caribbean States
OIE	Office of International des Epizootics
PAHO	Pan American Health Organization
PVS	Performance Valuation Strategy Tool
RIMSA	Inter-American Meeting of the Ministers of Health and Agriculture
SIRVETA	Regional Inspection System for FBD Surveillance
SPS	Sanitary and Phyto-sanitary Measures
SRC	Scientific Research Council
STDF	Standard and Trade Development Facility
SWOT	Strength Weaknesses Opportunity and Threats
UNEP	United Nations Environmental Programme
USAID	United States Agency for International Development
USDA	United States Department of Agriculture
UWIC	University of the West Indies Consulting Unit
VPH	Veterinary Public Health
WHO	World Health Organization
WTO	World Trade Organization

Executive Summary

1. The current assignment takes place under the 10th EDF Programme titled "Support to the Forum of Caribbean States in the implementation of the commitments undertaken under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary (SPS) Measures" and is aimed at strengthening national and regional sanitary and phytosanitary systems by establishing a comprehensive legislative framework for health and food safety in the fisheries sector. Specifically, the purpose of the contract was:

    - To strengthen national and regional SPS systems by establishing a comprehensive legislative framework for health and food safety (AHFS) in the fisheries sector.
    - To develop and organize an efficient responsive institutional framework and mechanism for coordination of SPS issues at both the national and regional levels.

2. The results to be achieved were:

    - CARIFORUM Guidelines on Sanitary Standards for fishery and aquaculture products for human consumption formulated;
    - A Model CARIFORUM Export Control Act formulated;
    - Model CARIFORUM Sanitary Standards for fishery and aquaculture (human consumption) Regulations formulated;
    - Coordinating mechanisms for national and regional fisheries SPS governance and its integration into the overall SPS regime formulated;
    - Model instruments reviewed and endorsed through a regional validation process including a validation workshop to be convened by the CRFM Secretariat.

Activities Carried Out

3. The contract commenced on 27 March 2015. Initial activities focused on briefings with CRFM, planning and organization of the first group of missions and other organizational matters.

4. Ten country missions were organized, covering: The Bahamas, Jamaica, Belize, Haiti, the Dominican Republic, Trinidad & Tobago, St Vincent and the Grenadines, Barbados, Suriname and Grenada. The missions took place from the end of April through to mid-June, with each mission typically lasting 2 or 3 days. A similar format was adopted for each visit, and included a meeting with the Fisheries Department, a meeting with the TNINT, meeting with other key stakeholders involved in fisheries exports (typically, the Ministry of Health/Veterinary Services, as the food safety competent authority, Bureau of Standards, other concerned government agencies

and industry stakeholders) and site visits to processing establishments, fish markets and laboratories.

5. The key challenges for CARIFORUM countries identified by CRFM and IICA prior to the assignment were borne out during the KEs consultations in Member States. However, two critical challenges emerged. First, there is a discrepancy between (a) the legislative complexity of SPS rules and the pace of change of international export rules and standards and (b) the legislative drafting capacities of Member States. Second, there is the need to resolve difficulties in inter-institutional coordination.

6. These challenges, in the Consultant's view, point to the need to develop regulatory approaches at the regional level as well as the national level. As a result, the form and shape of the documents evolved through the assignment and were developed as follows:

Description in ToR	Document produced / comment
Model CARIFORUM Sanitary Standards for fishery and aquaculture (human consumption) Regulations formulated;	A set of model **Regional Protocols** was developed, combined with a proposal for institutional and procedural actions to review, develop and adopt such Protocols at the regional level. Model **Regulations**, designed to implement the Regional Protocols at the national level and to set out related matters (primarily relating to licensing and control).
CARIFORUM Guidelines on Sanitary Standards for fishery and aquaculture products for human consumption	Guidance was built into each model Protocol. In addition, guidance on developing HACCP Plans was produced.
Model CARIFORUM Export Control Act	A model Export Control Act was produced. However, the recommendations of the project point to closer integration (and possibly replacement) of this document with a general food safety law.
Coordinating mechanisms for national and regional fisheries SPS governance	A proposal for national and regional coordinating mechanisms was made in the form of a « Green Paper » type document, outlining the possible modalities of the regional and national frameworks proposed.

7. The documents were reviewed at a regional validation workshop, organized by CRFM and held in Barbados, from 24-25 August. The review of the documents was organized through group working sessions, with delegates breaking out into groups of around 10 stakeholders. This proved to be a very effective method of reviewing the documents and generated animated and constructive discussions and provided detailed feedback to the project team.

Comments and Conclusions

8. Regional Protocols: There was strong support for the concept of Regional Protocols amongst stakeholders. Stakeholders recognized the need for strengthened legislation in this area, and recognized that a regional mechanism for adopting and updating protocols would address the key challenge of CARIFORUM States having to review and update regulations individually. Various other advantages were also recognized, including (among others): facilitating uniformity and acting as a stepping stone for harmonization within the region; facilitating trade, both intra-regional and external, and helping to remove arbitrary, political and other trade barriers (and in this sense, contributing towards CSME objectives); strengthening the controls, and the reputation of controls, in the region.

9. At the same time, it was recognized that there were some challenges to a regional approach. These included: the need to ensure consistency with the programmes and food safety measures being developed by regional organizations (particularly CAHFSA); the risk that there may be limited buy-in or lack of political will from MS to strengthen their SPS systems at this time; the need to allow an extensive time frame for incorporation to give Member States adequate time to be up to standard.

10. There was a range of different views on the legal status the Protocols should take. The Consultant's observations were that in the short term, allowing more flexibility would be easier to achieve and would enable the process to start, but this should be kept under review and move towards a fully harmonized, legally-binding approach could be considered further down the road if the political, international and legislative conditions were right. In the long-term, this is something that should be foreseen within the development of the CSME.

11. There was general recognition of the need for the Protocols to be managed at the regional level, and CAHFSA appears agreeable to this approach. The mechanism proposed in the Green Paper for reviewing Protocols was accepted in principle by stakeholders as a useful approach, but the specific mechanism would need to be developed by regional institutions, in consultation with national authorities.

12. While the need for revised national legislation was recognized, some questions were raised concerning the model documents produced. Key questions were raised, for example, concerning the scope and role of the model Act. Many stakeholders felt that the model legislation should not be limited to exports, and should also deal with domestic controls and imports. Other stakeholders questioned the need for separate legislation on fisheries, suggesting that food safety should be dealt with in a holistic manner. The Consultant acknowledged that there was a need to address food safety across the entire sector, and that this might be better approached as part of a holistic review of food safety legislation.

13. Regarding governance mechanisms, the principles of the approach in the technical documents were welcomed – there was consensus that there needed to be improved coordination at the regional and national levels, and that the mechanisms outlined in principle in the Green Paper were helpful.

14. CAHFSA and CROSQ both welcomed the overall approach, based on establishing a coordinating committee, developing an MOU and develop national agency oversight of food safety issues. CROSQ commented that it wanted to look at the MOU a bit more and noted that there was already an MOU between CAHFSA and CROSQ.

The Consultant acknowledged this, and commented that the MOU in the Green Paper was modelled and sought to develop the bilateral MOU.

Recommendations

15. The following recommendations are made.

Recommendation 1. A high priority should be attached to the development of a system of Regional Protocols. There is strong support for this amongst stakeholders, and the advantages in achieving both national and regional objectives in the SPS sector are very pronounced. Discussions, assisted as necessary by technical experts, should commence as soon as possible amongst the concerned regional organizations. These discussions should include a review of the model Protocols and the Review Mechanism, and should aim to develop a work programme for developing formal proposals at the regional level.

Recommendation 2. A high priority should also be attached to the development of wider cooperative mechanisms at the regional level, and specifically the development of inter-organizational arrangements between CRFM, CAHFSA, CROSQ (and, as may be agreed, others) in the field of cooperation on fisheries SPS matters Again, discussions, assisted as necessary by technical experts, should commence as soon as possible amongst the concerned regional organizations and should include a review of the “Green Paper” proposals and draft inter-organizational MOU developed therein.

Recommendation 3. Regional institutions, and in particular CRFM, IICA and CAHFSA, should hold consultations, assisted as necessary by technical experts, with a view to assessing how the outcomes of this assignment might be integrated or made coherent with other on-going activities concerning SPS in the food sector. In particular, consideration should be given to whether (or to what extent) there should be separate institutional and legislative actions for the fisheries sector within the overall systems for food safety/SPS.

Recommendation 4. Consultations, assisted as necessary by technical experts, should commence at the national level on the steps required to strengthen national legislation, and on the modalities for adopting new legislation based on the model legislation.

A | Introduction

1. The current assignment takes place under the 10th EDF Programme titled "Support to the Forum of Caribbean States in the implementation of the commitments undertaken under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary (SPS) Measures" and is aimed at strengthening national and regional sanitary and phytosanitary systems by establishing a comprehensive legislative framework for health and food safety in the fisheries sector.

2. The overall objective, purpose and results to be achieved from this assignment were stated in the Terms of Reference as follows:

   Overall objective

   The overall objective of the project of which this contract will be a part is as follows:

   To support the integration of CARIFORUM states into the world economy and specifically to increase production and trade in agriculture and fisheries which meet international standards while protecting plant, animal and human health and the environment.

   Purpose

   The purpose of this contract is as follows:

   1. To strengthen national and regional SPS systems by establishing a comprehensive legislative framework for health and food safety (AHFS) in the fisheries sector.

   2. To develop and organize an efficient responsive institutional framework and mechanism for coordination of SPS issues at both the national and regional levels.

   Results to be achieved

   The KEs will achieve the following results as part of this assignment:

   - CARIFORUM Guidelines on Sanitary Standards for fishery and aquaculture products for human consumption formulated;
   - A Model CARIFORUM Export Control Act formulated;
   - Model CARIFORUM Sanitary Standards for fishery and aquaculture (human consumption) Regulations formulated;
   - Coordinating mechanisms for national and regional fisheries SPS governance and its integration into the overall SPS regime formulated;
   - Model instruments reviewed and endorsed through a regional validation process including a validation workshop to be convened by the CRFM Secretariat.

3. This report is the Final Technical Report, as foreseen in part 7.1 of the Terms of Reference, and provides an overview of project activities, outcomes and recommendations.

B | Approach to the Assignment

4. Our approach was designed to ensure both that (1) the project objectives were achieved successfully and (2) the technical results contributed to the actual realisation of change in the region.

5. **Consultative framework:** A key component of the strategy was to implement an overarching consultative framework for the project so as to ensure that project activities are developed in line not only with the expectations of CRFM but also with the expectations and needs of all beneficiaries within the region. This was a multi-dimensional consultative process in which the Consultant aimed both (a) to provide expertise, analysis and recommendations and (b) to facilitate continuous and inclusive consultation both at the project level (i.e. between the project team and other project counterparts) and at the stakeholder level (i.e. between the project team and relevant stakeholders, including *regional organizations*, *government stakeholders*, *non-government public stakeholders* and *private sector stakeholders*).

6. **Results-based approach:** It was considered that the technical assistance should be strongly results focussed. The ultimate aim of the technical assistance is not only to strengthen the capacity of and guide / assist CRFM and CARIFORUM countries, but also to build a platform for improving the legislative, institutional and policy environment for the fisheries sector in the Caribbean. In this context, it also had to be recognized the scale and duration of this overall process, and to recognize that this assignment represented the first step in a long-term process of substantial reform, and that the assignment is one of a series of development activities concerning the SPS sector in the Caribbean currently being undertaken.

7. **Integration of international best practices:** There exists a substantial body of internationally-recognized best practices, developed globally, regionally (within the Caribbean and elsewhere) and at national levels, that could be applied within this project. The approach was to integrate and build on these standards and practices, rather than to reinvent or reformulate them.

C | Comments on Terms of Reference

8. Implementing the Terms of Reference (reproduced in Annex 1) represented some significant technical and practical challenges.

9. From a practical perspective, these included:

   - A request during project initialisation for a change to the Terms of Reference, specifically that the implementation period for the project, foreseen as 9 months

in the Terms of Reference and under the contract, was shortened so as to be completed by the end of August 2015, i.e. an implementation period of 5 months (later extended during the project to a period of 6 months, i.e. to the end of September).

- A further request that the SPS Specialist (KE2) was replaced with an alternative.
- A pre-determined timetable for country missions, which did not allow sufficient time for project mobilisation and planning activities.
- Recruiting a replacement KE2 took some time. A candidate – Dr George Grant – was proposed by CRFM but it was not possible to confirm his participation in the project until 16 April.
- Travel difficulties experienced by Dr Grant during the country missions. On 21 April, the Consultant was informed by Dr Grant that he did not have a valid passport, and Dr Grant was unable to participate in the missions to The Bahamas or Belize, but was able to participate partially in the mission to Jamaica (where Dr Grant is resident). Dr Grant was able to rejoin the Consultant team prior to the mission to Haiti. But then had further travel difficulties relating to the missions to the Dominican Republic and Trinidad and Tobago, meaning that he was only able to participate partially in those missions.
- A lack of planning and strategic development time available to the Key Experts, largely as a result of the above challenges, which meant that it took some time to develop a clear understanding at the technical level of the approach to be taken.
- Terms of reference which were in any case demanding in terms of the technical documents to be produced (amounting to over 200 pages of technical drafting, foreseen to be achieved in 32 KE days in the Terms of Reference) and in terms of the number of missions (10 country visits, and the regional workshop) meaning that there was no spare capacity in the days available to the Consultants (and, in fact, KE1 expended around 80 days effort on the project, as opposed to the 52 days foreseen).

10. From a technical perspective, there were also a number of challenges as the consultations and other work conducted by the Consultant pointed to outcomes slightly different in form to those originally envisaged in the Consultant's proposal and the ToR. While these outcomes still fulfil the ToR, the form and shape of the documents evolved through the assignment in a slightly different form. In particular, a number of key challenges identified in the consultations (lack of capacities to revise, update and maintain regulatory requirements, the pace of change in export requirements, the need to meet harmonization objectives) pointed to the development of regional regulatory approaches. The documents were therefore developed as follows:

Description in ToR	Document produced / comment

Model CARIFORUM Sanitary Standards for fishery and aquaculture (human consumption) Regulations formulated;	A set of model **Regional Protocols** was developed, combined with a proposal for institutional and procedural actions to review, develop and adopt such Protocols at the regional level. Model **Regulations**, designed to implement the Regional Protocols at the national level and to set out related matters (primarily relating to licensing and control).
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Coordinating mechanisms for national and regional fisheries SPS governance	A proposal for national and regional coordinating mechanisms was made in the form of a « Green Paper » type document, outlining the possible modalities of the regional and national frameworks proposed.

11. The combined effect of these challenges meant that the Consultant had difficulty in meeting reporting and other deadlines during project delivery.

D | Organization and Methodology

Delivery of Terms of Reference

12. The tasks set out in the Terms of Reference were delivered as follows:

Terms of Reference	**How delivered through assignment**
1. Initial remote contact and briefing with IICA (Barbados Office) and CRFM Secretariats regarding execution of the project.	A briefing call was held with Mr Milton Haughton, CRFM Executive Director, at the outset of the project (see below, paras. 13 and 14).
2. Organize first mission to the region and country visits, including dates and travel schedule. Initial contact with countries on the organization of the national consultations. This should be done in collaboration with CRFM Secretariat and CARIFORUM States. For countries not selected for site consultations, initial contact with countries to clarify approach	This activity was undertaken primarily by the CRFM Secretariat, in consultation with the Consultant. An itinerary was agreed for overall missions, and the Consultant provided inputs into organization, background documentation and explanatory materials as required in individual CARIFORUM States (see below, paras. 13 and 14).

for gathering required stakeholder feedback and information.	
3. Briefing with IICA and CRFM Secretariat at the CRFM Secretariat office in Belize, and develop and finalize work-plan and travel schedule;	Due to the logistics of the itinerary for the regional mission, further briefings were conducted remotely, followed by an additional briefing with the CRFM Secretariat during the mission to Belize.
4. Collect and review existing and draft national legislation, regulations and guidelines on SPS in CARIFORUM States, including the OECS 2003 Guidelines and draft harmonized regulations for OECS region on sanitary standards for marine products for human consumption, OECS Export Act outline, and other existing policy instruments related to SPS matters;	An initial document review, covering global, regional and national instruments was conducted and relevant international standards and guidelines were identified. This was supplemented by the collection of additional documents (legislation, guidelines, manuals, SOPs, inspection reports, etc.) during individual country visits.
5. Consult with relevant national, regional and international organizations, taking into account regional and international standards, guidelines, and recommendations (e.g., CODEX, OIE, IPPC)	During the project implementation, the Consultant liaised with CRFM, CAHFSA, CROSQ, CARPHA, IICA, OIRSA and FAO. A full review of the relevant regional and international standards, guidelines, and recommendations was undertaken.
6. Prepare zero draft of the model CARIFORUM sanitary standards guidelines/regulations/ legislation for fishery and aquaculture products for the CARIFORUM region, to be presented and discussed at the national consultations;	Drafts of the various consultancy products (see below) were prepared and circulated to CRFM and to regional validation workshop participants.
7. Conduct stakeholder and institutional analysis in respect of SPS governance framework and to take into account the need to represent the region's interest in international fora.	Assessments were made of current regional and national frameworks, including through discussion with regional organizations (primarily CRFM and CAHFSA, but also other regional organizations) and with national counterparts.
8. In consultation with the CRFM Secretariat, organize country visits to meet with the Competent Authority/organizations related to SPS, Fisheries Departments, Legal Departments and other relevant stakeholder organizations;	10 country visits were organized (Bahamas, Jamaica, Belize, Haiti, Dominican Republic, Trinidad & Tobago, St Vincent & the Grenadines, Barbados, Suriname, Grenada). Several meetings, involving key stakeholders, were held in each country.
9. During country visits conduct national consultations (each of 1 day, indicative number of participants in each meeting is 30-50) in ten countries.	A national consultation / workshop took place in each country visited.
10. Prepare summarized information for the development of an infographic and press-releases; and participate in two short video interviews.	The project (legal) team coordinated with the communication team, and participated in interviews as requested (one audio, two video).
11. Prepare national consultation reports, including stakeholder and institutional analysis reports, documenting findings and recommendations on sanitary standards for fisheries and aquaculture in the CARIFORUM region.	A mission report was prepared for each country visited, providing a report on the national consultation and other meetings, including the consultant's assessments of the national situation. Overall stakeholder/institutional assessments were synthesized in the project « Green Paper » document.
12. Prepare a first draft of the model CARIFORUM guidelines/legislation/ regulation on Sanitary standards for fisheries and aquaculture and circulate to	Draft model legislation (primary and secondary), draft model Regional Protocols and HACCP guidance was prepared (see Annex 7).

relevant organizations for comments;	
13. Develop a proposal and plan (systems and processes) for the establishment of national and regional coordinating mechanisms that could be part of an overall CARIFORUM SPS governance structure. Circulate to CARIFORUM States and relevant organizations for comments;	A « Green Paper » type document was prepared, setting out the rationale and proposals for regional coordination and regional and national institutional strengthening (see Annex 7).
14. Review comments from CRFM TNINTs, CRFM Secretariat, and other stakeholders, prepare final technical documents, and submit to CRFM Secretariat;	Comments received from CRFM and other stakeholders, along with comments received during the regional workshop, were reviewed and the documents were updated.
15. Participate in a CRFM regional workshop to present final technical documents for approval;	The regional workshop was organized on 24-25 August, and both consultants participated.
16. Finalize technical documents and submit to the CRFM Secretariat;	The final versions of the technical documents are presented in this report (see Annex 7).
17. Prepare Monthly and Final Technical Reports as required.	Interim technical reports were provided for April, May, June, July and August, along with reports of missions.
18. Prepare requisite monthly and final financial reports for the expenditures incurred, to be submitted to the CRFM Secretariat by the 20th of the following month, fully supported by original invoices and receipts.	Financial reports and other returns were provided, as needed.
19. Final Technical and financial reports should include methodologies used to deliver the various outputs/outcomes, with lessons learned and recommendations for follow up action. The report should be produced in Microsoft Word for Windows format and submitted electronically to the CRFM Secretariat by the end of the contract period.	Final Technical and Financial Reports, in accordance with these specifications, have been submitted.
20. Should any funds be left over at the end of the LOA, the Consulting Firm shall return to the CRFM Secretariat, unless agreed to in writing on the use of such funds.	Final financial calculations have been provided.

Description of Activities Carried Out

Project Mobilization

13. The contract commenced on 27 March 2015. Initial activities focused on briefings with CRFM, planning and organization of the first group of missions, and the recruitment of a replacement SPS Specialist (see above).

14. It was determined that the country missions would start with the mission to The Bahamas, on 23 April. The itinerary for all missions was finalized. It was agreed to organize the visits into two missions– the first covering The Bahamas, Jamaica, Belize, Haiti and the Dominican Republic, and the second covering Trinidad & Tobago, St Vincent and the Grenadines, Barbados, Suriname and Grenada.

National Missions

15. The missions took place from the end of April through to mid-June, with each mission typically lasting 2 or 3 days. The following is a summary of each mission –further details are available in the individual **Mission Reports (Annex 3).**

16. **The Bahamas.** A mission to The Bahamas took place from 22-28 April. The mission team comprised the Project Team Leader (Chris Hedley) and CRFM Programme Manager (Peter Murray). Dr. Grant (KE2) was unable to attend. The following meetings and visits were organised: meeting with senior staff from the Department for Marine Resources; meeting with drafting lawyer from the Attorney-General's Office (responsible for drafting new SPS Bills); meeting with the national SPS Committee (in effect, the TNINT), comprising representatives from BAIC, IICA, EH, BMEA, DoA, Agriculture Producers groups (this meeting represented the national consultation meeting in The Bahamas); and a visit to a key production establishment - Tropical Seafood.

17. **Jamaica.** The mission to Jamaica took place from 2-6 May. The mission team comprised Chris Hedley, George Grant and Peter Murray. The mission was extremely well organised, and a number of meetings were arranged: Senior staff from the Fisheries Division (two meetings, at each end of the mission); EU Delegation; Veterinary Services Division (VSD); Bureau of Standards Jamaica (BSJ); the National Food Safety Committee (TNINT). A well-attended national consultation with key stakeholders (including fishers) was also organised.

18. **Belize.** The mission to Belize took place on 4 and 5 May. The mission team comprised Chris Hedley and Peter Murray. The following meetings and visits were organised: Briefing Session with CRFM / Fisheries Department; Field visit to Fein Catch Tilapia Farm – Mr. Roberto Salas – Farm Manager; Meeting with Country Representative - International Regional Organization for Plant and Animal Health (OIRSA) (Mr. Fermin Blanco); Meeting with Director of the Belize Agricultural Health Authority & Senior Staff (Mr. Emir Cruz – Managing Director – BAHA, Mrs. Delilah Cabb Ayala – Coordinator: Sanitary & Phytosanitary Enquiry Point - BAHA); Meeting with the Ministry for Foreign Trade – (Ms. Margaret Ventura & Mr. Richard Reid); Meeting with Drafting Unit of the Solicitor General's Office (Mr. Randall Sheppard). A well-attended National Consultation with key stakeholders was organized on 5 May.

19. **Haiti.** The mission to Haiti took place from 7-9 May. The mission team comprised Chris Hedley, George Grant and Peter Murray. The following meetings and visits were organised: Meeting with Director of Fisheries; Visit to processing plants (Caribbean Seafood and La Filiere Congelee); National Consultation with key stakeholders was organised on 8 May.

20. **Dominican Republic.** A mission to The Dominican Republic took place from 11-13 May. The mission team comprised the Chris Hedley, George Grant and Peter Murray. The following meetings and visits were organised: CODOPESCA (Fisheries Division/Agency); the National SPS Committee (Comité National de las Medidas Sanitarias y Fitosanitarias (CNMSF)); Dirección General de Ganadería (DIGEGA); Department of Agrifood Safety. A well-attended national consultation was organized on 13 May.

21. **Trinidad & Tobago.** The mission visit to Trinidad & Tobago was undertaken from 24 - 26 May 2015. The visiting team members included Chris Hedley and George Grant. The following meetings were organized: Inception meeting with the Director of Fisheries; Fisheries Division (technical staff); TNINT. A well-attended national consultation was organized on 25 May, at the Radisson Hotel, Port of Spain.

22. **Saint Vincent and the Grenadines.** The mission visit was undertaken on 28 and 29 May 2015. The mission team comprised Chris Hedley, George Grant and Dr Susan Singh-Renton, Deputy Executive Director of the CRFM. The following meetings were organized: Meeting with the Fisheries Division; Site visits to the National Fish Market and a local food processing facility; Meeting with the TNINT/NAHFSA. A national consultation with key stakeholders took place on 29 May.

23. **Barbados.** The mission visit to Barbados was undertaken between the period May 31-June 3, 2015. The visiting team members included Chris Hedley and George Grant. The following meetings were organized: A combined meeting of fisheries division staff and TNINT representatives; A meeting with stakeholders (Fishers / Vendors Meeting); Site visits. A well-attended national consultation was held at the Accra Hotel Conference Room on 2 June.

24. The Key Experts were also interviewed by media experts under the SPS project, for contributions towards the project communication activities.

25. **Suriname**. The mission to Suriname was undertaken during the period June 3-7 2015. The Team members included Chris Hedley and George Grant. The following meetings were organized: Meeting with officials from the Fisheries Department and the Director of CAHFSA; Meeting with representatives of IICA and representatives from the TNINT; Site visits to the Fishery Inspection Institute and two fish processing facilities (CEVIHAS and Onacro). A well-attended National Consultation was held on 6 June.

26. **Grenada.** The project team (Chris Hedley, George Grant) conducted a joint mission with Matis Limited and a Media Consultant Media & Communications Specialist/Journalist (Barbados), together with the Deputy Executive Director of the CRFM Secretariat, from 8-10 June 2015. Mr Hedley had to leave the mission early, due to a family bereavement.

27. A comprehensive set of meetings were organized, including: Meeting with the fisheries division; Meeting with the TNINT; Site visits to fish processing plants, the landing site at Grand Mal and national laboratory facilities; Meeting with the Minister responsible for fisheries; Meeting with key stakeholders; Meeting with the Ministry of Health. The National Consultation took place on the morning of 10 June.

Drafting of Technical Documents

28. The consultancy "products" were generated (see Annex 7). These were based on the documentary framework that had previously been developed (see above) and included:

CARIFORUM Regional Fisheries SPS Framework (Green Paper)

CARIFORUM Protocols on Good Fish and Fishery Product Hygiene Practices

- Chemical Use
- Equipment Use and Maintenance
- Packaging
- Personnel Hygiene
- Pest Control
- Product Transport
- Water and Ice Quality
- Worker Welfare and Safety Protocol

CARIFORUM Model Fisheries Export Legislation

- Model Fisheries Export Control Act
- Model Fisheries Hygiene (Certification, Licensing and Control) Regulations

CARIFORUM Guidance on Good Fish and Fishery Product Hygiene Practices

- Guidelines on Developing and Implementing HACCP Plans for Fish and Fishery Products

Regional Validation Workshop

29. The project team (Chris Hedley, George Grant) participated in the regional validation workshop in Barbados, organized by CRFM. Three presentations were made:

- Overview of Consultancy Findings
- Validation – Regional Protocols and Model Regulations (Working Session for Document Validation)
- Validation – Model Act and Governance Mechanisms (Working Session for Document Validation)

30. The review of the documents was organized through group working sessions, with delegates breaking out into groups of around 10 stakeholders. This proved to be a very effective method of reviewing the documents and generated animated and

constructive discussions and provided detailed feedback to the project team. A report of the Workshop, as it pertained to this assignment, is produced in Annex 4.

Reporting

31. The following technical reports were provided: Inception Report (see Annex 2), Interim Technical Reports, Final Technical Report. Due to the project planning and implementation difficulties (outlined above), it was not possible to provide these reports in accordance with the timetable in the Terms of Reference, and most reports were provided later in the schedule.

E | Conclusions and Recommendations

Comments and Conclusions

32. Whilst challenging, the assignment has been productive and useful and beneficiaries and other stakeholders have recognized the need and benefit of the assignment intervention. While there remains work to be done to develop the regional and national regulatory and governance mechanisms, and to develop regional standardised approaches, the assignment has enabled extensive consideration of future approaches amongst Caribbean stakeholders, and has been able to provide a set of proposals to take forward in future processes. The following paragraphs review the key observations from the assignment.

33. **Key challenges:** The key challenges for CARIFORUM countries identified by CRFM and IICA prior to the assignment were borne out during the KEs consultations in Member States. Whilst there were very different positions amongst many Member States, the KEs found there to be challenges with out-dated, incomplete and inconsistent legislation; problems of coordination amongst multiple agencies involved in SPS matters; capacity and financial challenges; etc. In the context of the present assignment, two challenges were considered paramount.

34. First, there is a discrepancy between (a) the legislative complexity of SPS rules and the pace of change of international export rules and standards and (b) the legislative drafting capacities of Member States. No single Member State (even those which were EU approved) was considered to have legislation which conformed 100% to international standards, while many Member States were experiencing considerable delays in getting their legislative programme up-to-date.

35. Second, there is the need to resolve difficulties in inter-institutional coordination. There is a considerable lack of definition in the responsibilities of the various public agencies involved in SPS matters, even to the extent that the agencies themselves are not always clear on the roles.

36. **Regional Protocols:** There was strong support for the concept of Regional Protocols amongst stakeholders. Stakeholders recognized the need for strengthened legislation in this area, and recognized that a regional mechanism for adopting and updating protocols would address the key challenge of CARIFORUM States having to review and update regulations individually. Various other advantages were also recognized, including (among others): facilitating uniformity and acting as a stepping stone for harmonization within the region; facilitating trade, both intra-regional and external, and helping to remove arbitrary, political and other trade barriers (and in

this sense, contributing towards CSME objectives); strengthening the controls, and the reputation of controls, in the region.

37. At the same time, it was recognized that there were some challenges to a regional approach. Most of the challenges raised by stakeholders related to the capacities of Member States to implement stricter measures (this is a general matter of implementation, which would apply to any legislative approach) but some specific challenges were also foreseen in developing the regional approach itself. These included: the need to ensure consistency with the programmes and food safety measures being developed by regional organizations (particularly CAHFSA); the risk that there may be limited buy-in or lack of political will from MS to strengthen their SPS systems at this time; the need to allow an extensive time frame for incorporation to give Member States adequate time to be up to standard.

38. **Legal status of Protocols:** Stakeholders differed on the question of what legal status the Protocols should take. Some stakeholders favoured an approach whereby the Protocols should be in the form of voluntary instruments at the regional level, with compliance / formalisation via regulations or in the form of licences and certificates at the national level. Other stakeholders expressed the view that there should be some binding agreement among Member States to ensure that the practices are consistent within the region and truly allow for harmonization.

39. The Consultant's observations were that in the short term, allowing more flexibility would be easier to achieve and would enable the process to start, but this should be kept under review and move towards a fully harmonized, legally-binding approach could be considered further down the road if the political, international and legislative conditions were right. In the long-term, this is something that should be foreseen within the development of the CSME.

40. In any case, it is suggested that there is a need for further consideration of the legal mechanism at the national level. The model legislation should allow for flexibility, so that Regional Protocols and/or national protocols and/or national regulations could be used. In this sense, the Protocols might be viewed as a *resource* on which Member States could rely, although it would hamper regional harmonization (and therefore limit some of the benefits of Regional Protocols) if they were inconsistently applied at the national level.

41. **Management of Regional Protocols:** There was general recognition of the need for the Protocols to be managed at the regional level, and CAHFSA appears agreeable to this approach. The mechanism proposed in the Green Paper for reviewing Protocols was accepted in principle by stakeholders as a useful approach, but the specific mechanism would need to be developed by regional institutions, in consultation with national authorities.

42. **Legislation:** Many comments were made by stakeholders on the draft legislation. Many of these were of a technical or drafting nature (for example, suggestions as to how the objectives could be revised, clarifying the functions of the Competent Authority, proposals as the procedures for appeals and licensing, etc.). Other comments addressed policy questions, for example the role of the Competent Authority, Advisory Committee and Minister.

43. Key questions were raised, however, concerning the scope and role of the model Act. Many stakeholders felt that the model legislation should not be limited to exports, and should also deal with domestic controls and imports. Other stakeholders

questioned the need for separate legislation on fisheries, suggesting that food safety should be dealt with in a holistic manner. The Consultant acknowledged that there was a need to address food safety across the entire sector, and that this might be better approached as part of a holistic review of food safety legislation.

44. **Governance Mechanisms:** The principles of the approach in the technical documents were welcomed – there was consensus that there needed to be improved coordination at the regional and national levels, and that the mechanisms outlined in principle in the Green Paper were helpful.

45. The CAHFSA Executive Director made a detailed intervention supporting the need for stronger regional cooperation, and emphasizing the role of CAHFSA as the lead agency in matters of food safety, including fisheries products. However, it was recognized that it was critical for all organizations involved to cooperate together – there was already a draft MOU with CROSQ but it would be useful to expand this further to include the other interested organizations. It was also emphasized that there were dangers in treating fisheries separately from other food sectors – while there were some considerations specific to fisheries, for the most part the treatment of fish products from an SPS perspective should not be any different from any other food product. There was a risk of complicating regulation and reducing the prospects for harmonisation and coordination.

46. CAHFSA and CROSQ both welcomed the overall approach, based on establishing a coordinating committee, developing an MOU and develop national agency oversight of food safety issues. CROSQ commented that it wanted to look at the MOU a bit more and noted that there was already an MOU between CAHFSA and CROSQ. The Consultant acknowledged this, and commented that the MOU in the Green Paper was modelled and sought to develop the bilateral MOU.

47. CROSQ and CAHFSA requested that discussion on the governance section be deferred due to on-going regulatory discussion with the various regional bodies.

Recommendations

48. The following recommendations are made.

Recommendation 1. A high priority should be attached to the development of a system of Regional Protocols. There is strong support for this amongst stakeholders, and the advantages in achieving both national and regional objectives in the SPS sector are very pronounced. Discussions, assisted as necessary by technical experts, should commence as soon as possible amongst the concerned regional organizations. These discussions should include a review of the model Protocols and the Review Mechanism, and should aim to develop a work programme for developing formal proposals at the regional level.

Recommendation 2. A high priority should also be attached to the development of wider cooperative mechanisms at the regional level, and specifically the development of inter-organizational arrangements between CRFM, CAHFSA, CROSQ (and, as may be agreed, others) in the field of cooperation on fisheries SPS matters Again, discussions, assisted as necessary by technical experts, should commence as soon as possible amongst the concerned regional organizations and should include a review of the “Green Paper” proposals and draft inter-organizational MOU developed therein.

Recommendation 3. Regional institutions, and in particular CRFM, IICA and CAHFSA, should hold consultations, assisted as necessary by technical experts, with a view to assessing how the outcomes of this assignment might be integrated or made coherent with other on-going activities concerning SPS in the food sector. In particular, consideration should be given to whether (or to what extent) there should be separate institutional and legislative actions for the fisheries sector within the overall systems for food safety/SPS.

Recommendation 4. Consultations, assisted as necessary by technical experts, should commence at the national level on the steps required to strengthen national legislation, and on the modalities for adopting new legislation based on the model legislation.

Annex 1 | Terms of Reference

TERMS OF REFERENCE
FOR

Technical support to develop model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

BACKGROUND INFORMATION

1.1 Beneficiary

The direct beneficiaries for the implementation of this assignment are the CARIFORUM countries[1].

1.2 Contracting Authority

CRFM Secretariat
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Belize City, Belize C.A.
Tel.: +501-223-4443
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1.3 Background

The Forum of the Caribbean Group of African, Caribbean and Pacific (ACP) States (CARIFORUM) is the body that comprises Caribbean ACP States for the purpose of promoting and coordinating policy dialogue, cooperation and regional integration, mainly within the framework of the Cotonou Agreement between the ACP and the European Union, and also the CARIFORUM-European Community Economic Partnership Agreement (EPA). The region occupies a total area of 510,713 km^2 and comprises 4 large island states, 8 small island states and 3 mainland states, all with a total population of 28 million (2014); 89% lives in Dominican Republic, Haiti, Jamaica, and Trinidad and Tobago. The countries are positioned around the Caribbean Sea with USA to the north, the Atlantic Ocean to the east, Central and South America to the west and south, respectively. The countries are predominantly small economies, depending mostly on agriculture and tourism, and are susceptible to natural disasters. Although there are many similarities in the grouping around culture and history, their geography may be very different and the present-day social and economic indicators such as population, per capita income, life expectancy etc., vary enormously so much so that a distinction is drawn in membership identifying less developed countries (LDCs) for special treatment. The combined GDP of the CARIFORUM region in 2013 was approximately US$136.54 billion, with the Dominican Republic accounting for 45% of the total GDP[2].

The fisheries sector is important for CARIFORUM States as it provides employment, contributes to food security and export earnings. The marine capture sub-sector is characterized as largely artisanal/small-scale multi-gear fishery, where fishers utilize small boats and limited gear technology (fish traps, cast nets, and hook and line) to catch spiny lobster (Jamaica, The Bahamas), conch (Jamaica, The Bahamas, Belize, Dominica Republic), shrimp (Guyana, Suriname, Trinidad and Tobago), and finfish (all countries). The aquaculture sub-sector in the region varies from experimental

[1] CARIFORUM members includes Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago. The group also allows observer status for British and Dutch Oversees Territories and Countries (OCT) and French Overseas Departments (DOMs) in the Caribbean (http://www.caricom.org/).

[2] World Bank. www.worldbank.org

and small-scale for oyster (Jamaica and Belize) and sea moss (Antigua and Barbuda, Barbados, Dominica, Saint Lucia) to large scale shrimp and tilapia production (Jamaica, Belize, Dominica Republic). Direct employment in marine fisheries and aquaculture is an estimated 121,218 persons, with suppliers of goods and services and other indirect service 354,712 persons[3]. Total marine fish production is an estimated 181,653 MT (2012). Fish harvested are sold mainly on the domestic market while industrial catches are processed (limited to freezing and packaging) and exported. The total earnings from marine capture fisheries and aquaculture export was over USD 191 million in 2012[4].

Regional cooperation in managing marine fisheries and aquaculture resources in CARIFORUM countries is promoted through CARICOM/CRFM. In February 2002, CARICOM established the Caribbean Regional Fisheries Mechanism (CRFM) to promote and facilitate the responsible utilization of the Region's fisheries and other aquatic resources for the economic and social benefits of the current and future population of the region[5]. All CARIFORUM States, with the exception of the Dominican Republic are members of the CRFM. However, in October 2008, the CRFM and the Government of Dominican Republic signed a Memorandum of Understanding to facilitate cooperation to ensure the sustainable development, utilization conservation and management of the fish stocks and associated ecosystems occurring within the Caribbean Sea and adjacent areas, through, *inter alia*, the effective and efficient development and implementation of programmes, projects and activities in these areas. The CRFM has a close, on-going relationship with the Dominican Republic in fisheries.

The objectives of the CRFM are: (a) the efficient management and sustainable development of marine and other aquatic resources within the jurisdiction of Member States; (b) the promotion and establishment of cooperative arrangements among interested States for the efficient management of shared, straddling or highly migratory marine and other aquatic resources; and (c) the provision of technical advisory and consultative services to fisheries divisions of Member States in the development, management and conservation of their marine and other aquatic resources.

The recently approved Caribbean Community Common Fisheries Policy[6] includes several provisions addressing Sanitary and Phytosanitary (SPS) issues in fisheries, including 3 of the 9 objectives (Art 4.3(b) (g) and (i)), and Article 18 on Marketing and Trade). In order to address SPS issues in marine fisheries and aquaculture, a plan is outlined in the CRFM's Strategic Plan[7] and Biennial work plan[8], which represents a consensus of Member States priorities, under Strategic Objective C: Sustainable Management and Use of Fisheries Resources. The overall aim of the SPS plan is to reduce post-harvest loss, improve the quality of fish and fisheries products, and improve infrastructure for marketing and trade of fish and fisheries products to meet domestic needs and international standards.

1.4 Current situation in the sector

The World Trade Organization (WTO) Agreement on the application of Sanitary and Phytosanitary measures (SPS Agreement) to protect human, animal and plant life and health, encourages countries to adopt measures on the basis of international standards, guidelines and recommendations. These standards, guidelines, etc., were developed by the relevant international organizations, such as Codex Alimentarius Commission (CODEX), the International Office of Epizootics (OIE), the International

[3] Masters, J. 2014. CRFM Statistics and Information Report 2012 and http://www.codopesca.gob.do/

[4] Masters, 2014. and Produccion pesquera para el periodo 2008-2011, por grupos explotados, en MT (http://www.codopesca.gob.do/)

[5] CFRM, 2002 Agreement establishing the Caribbean Regional Fisheries Mechanism

[6] CRFM, 2011. Agreement Establishing the Caribbean Community Common Fisheries Policy (www.crfm.int). It was confirmed at the 51st Special COTED meeting (October 2014) that the CCCFP represents the approved policy of the Community and should be applied as far as possible.

[7] CRFM, 2013. 2nd Draft CRFM Strategic Plan (2013-2021). CRFM Administrative Report. 39pp.

[8] CRFM, 2014. CRFM Biennial Work Plan and Budget, 1 April 2014 to 31 March 2016. CRFM Administrative Report. 24 pp.

Plant Protection Convention (IPPC), and other relevant regional and international organizations. International trade in fish and seafood is governed by general international trade rules including the principles, rights, obligations and standards established by the General Agreement on Tariff and Trade and the World Trade Organization Agreements (WTO). International trade laws such as the TBT and SPS Agreements[9] adopt SPS standards which protect public health while facilitating regional and international trade. As such, WTO Member States[10] are obligated to apply international standards, guidelines, and recommendations when trading agricultural products (including fisheries and fisheries products) but not to "arbitrarily or unjustifiably discriminate between Members where identical or similar conditions prevail."[11]. CARICOM/CARIFORUM makes similar requirements of Member States. The Revised Treaty of Chaguaramas[12] requires "*the establishment of an effective regime of sanitary and phytosanitary measures*" (Article 57, Section 1k) and the harmonization of laws and administrative practices in respect of SPS measures (Article 72, Section 2e).

Currently, the standard of fish handling practices/quality control systems varies among CARIFORUM countries, from products that are acceptable to international health and food safety standards to others that are not. Continued viability of the sector faces several challenges, some of these are related to inadequate development of SPS systems to suit the specific needs of fisheries and aquaculture operations. Of particular importance are:

- barriers in trade of fish and fisheries products due to inadequate SPS standards;
- concern about food security and decreasing usage of local, fresh seafood, the solution for which improved SPS support is an essential component;
- inadequate legislation, institutional and laboratory infrastructure that are important support structures necessary to improve SPS;
- the responsibility for the inspection of processing plants, fishing vessels, landing sites, and fish markets is distributed amongst different government ministries which needs to be consolidated into a single national agency (where required);
- impacts of global environmental changes including climate change, for which improved management and monitoring of the natural environment sustaining fisheries and aquaculture production must play a vital part.

In order to optimize returns from fish catches in the region, significant improvements are needed in post-harvest handling, processing, quality control and marketing of fish and fish products. These improvements are critical as CRIFORUM States seek to expand regional and international trade related to fisheries and aquaculture products to markets in Europe, USA, and the Latin American regions. Some of these importing countries have established stringent rules which are inhibiting the expansion of trade in fish and fish products[13]. For example, the European Union Council Directives 91/493/EEC, 91/492/EEC[14] and others specify minimum health conditions for the production and the placing on the market of fishery products produced for human consumption within the EU, regardless of where these products are manufactured. The application of the 1991 EU harmonized health conditions and later amendments/additions to import from CARIFORUM countries has resulted in the loss of access to international markets for fishery products on account of a lack of capacity to respond to the requirements; which translate into loss of export earnings, decreased food security, and negative impact on rural stability.

Many CARIFORUM countries do not have adequate legislation that takes into account fish issues related to SPS standards; hence, the need for harmonized guidelines and the associated supporting

[9] Agreement of Technical Barrier to Trade and the Agreement on the Application of Sanitary and Phyto-sanitary Measures

[10] WTO Member States include all CARIFORUM countries except The Bahamas (an Observer).

[11] Agreement on the Application of Sanitary and Phytosanitary measures, Article 2, section 3

[12] CARICOM, 2002. Revised Treaty of Chaguaramas Establishing the Caribbean Community including The CARICOM Single Market and Economy. 288p.

[13] Vanthuyne, 2002. Strategy and project proposal for an integrated CARICOM/CARIFORUM Programme to enhance the regional institutional capacity to expand the trade in fishery products locally, regionally and internationally

[14] www.faolex.fao.org

legislation for inspection and certification of all fish products on SPS standards based on international protocols[15]. This will provide a framework for accessing international markets such as the EU, USA, and Canadian markets for fish exports, assist trade between CARIFORUM countries, and provide a platform for countries to maintain updated legislation[16]. In 2003, the OECS[17] developed three model instruments to harmonize SPS standards across that region; namely, (a) draft "*Guidelines for OECS region on sanitary standards for marine products for human consumption*", (b) draft OECS "*Sanitary standards for marine products (human consumption) regulations*", and (c) draft OECS "*Outline of Export Act*". The purpose of these guidelines and legislation were to enhance the sanitary handling capacity of marine products for human consumption while improving product quality and value[18]. This project will review these model legislation/guidelines along with other recent legislation enacted or bills developed in other CARIFORUM States to address SPS issues, and update/revise these as appropriate to develop model legislation and guidelines that are consistent with international principles and standards and are suitable for adoption across the CARIFORUM region. As such, the scope of these instruments to be developed will include the wider CARIFORUM region and recent regional and international best practices, rules and standards.

Within the CARIFORUM region there are a number of ministries/agencies with overlapping mandates on sanitary standards as it relates to food safety[19]. The need for SPS coordination, at national and regional levels, and implementation of the SPS Agreement was clearly articulated at a WTO workshop[20]. According to workshop participants, some of the impacts of poor coordination include: the application of inconsistent SPS measures, duplication of efforts, confusion due to lack of information exchange, and SPS agreements being signed without input from the authorities responsible for agriculture health and food safety. Hence the need to establish clear responsibilities for the different entities responsible for SPS matters, strengthen communication among ministries and agencies, develop capacities, and establish a mechanism to facilitate coordination. Given the linkages to the adoption of international standards through the WTO and resonated by the Revised Treaty being executed by regional organizations such as CAHFSA, coordination between national and regional levels is important for the successful adaptation of SPS measures to satisfy international and regional legal obligations. This project seeks to address coordinating mechanisms at the national and regional levels to develop and implement SPS standards and trade for fish and fisheries products in the CARIFORUM region.

Support for this project is provided by the Sanitary and Phytosanitary Measures programme, one component of the 10th EDF Programme titled "*Support to the Caribbean Forum of ACP States in the Implementation of Commitments Undertaken Under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary Measures (SPS)*"[21], implemented by the Inter-American Institute for Cooperation on Agriculture (IICA), with the fisheries sub-component being executed by the CRFM Secretariat. The project aims to facilitate CARIFORUM States to gain and improve market access by complying with Europe's Sanitary and Phytosanitary (SPS) measures and to help CARIFORUM states to better develop their own regionally harmonized SPS measures and institutional capability to

[15] Article 3 of the SPS Agreement speaks to the issue of harmonization, and states in section 1: *"To harmonize sanitary and phytosanitary measures on as wide a basis as possible, Members shall base their sanitary or phytosanitary measures on international standards, guidelines or recommendations, where they exist, except as otherwise provided for in this Agreement, and in particular in paragraph 3".*

[16] Vanthuyne, 2002; Country reports on SPS priorities.

[17] In 2010, the revised Treaty of Basseterre established the Organization of Eastern Caribbean States (OECS) economic union. Countries include Antigua and Barbuda, Dominica, Grenada, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Montserrat, Turks and Caicos, and British Virgin Islands. The Treaty paves the way for the introduction of legislative competence at the regional level, so that Member States of the Organisation act in concert to develop and enact legislation in certain areas specified in the Treaty. http://www.oecs.org/

[18] OECS, 2003. Technical Assistance Inputs to Enhance Sanitary Standards and Capacity in the Supply Chain for Marine Products for human consumption in the Eastern Caribbean States. 162p.

[19] Country reports on SPS priorities.

[20] SPS Committee, 2011. Workshop on SPS Coordination at National and Regional Levels. (http://wto.org)

[21] IICA, 2014. 10th EDF SPS Project: Support to the Caribbean Forum of ACP States in the Implementation of Commitments Undertaken Under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary Measures (SPS).

meet the requirements necessary to maintain and expand on the trade of fish and fish products locally, regionally and internationally.

1.5 Related programmes and other donor activities

The SPS project activities address legislation, coordination, and capacity building related to agriculture, fisheries, plant protection, animal health, food security and the environment. Component 1 of the project deals with the development of model legislation, protocols, standards, measures, guidelines in the area of AHFS including fisheries. Legislation related to plant protection, animal health, and food safety model legislation will be developed. It is important that these activities are linked to fisheries as other legislation may include some aspects of fisheries.

In the conduct of the assignment, a Consulting Firm will be contracted. The Consulting Firm's Authorized Key Experts who have a crucial role in implementing this assignment, and referred to as Key Experts (KEs), are expected to liaise with the above-mentioned programmes or institutions when appropriate in order to gather relevant information and to ensure cooperation with the projects/programmes.

OBJECTIVE, PURPOSE & EXPECTED RESULTS

2.1 Overall objective

The overall objective of the project of which this contract will be a part is as follows:

To support the integration of CARIFORUM states into the world economy and specifically to increase production and trade in agriculture and fisheries which meet international standards while protecting plant, animal and human health and the environment.

2.2 Purpose

The purpose of this contract is as follows:

3. To strengthen national and regional SPS systems by establishing a comprehensive legislative framework for health and food safety (AHFS) in the fisheries sector.

4. To develop and organize an efficient responsive institutional framework and mechanism for coordination of SPS issues at both the national and regional levels.

2.3 Results to be achieved by the Consulting Firm's Authorized Key Experts (KEs)

The KEs will achieve the following results as part of this assignment:

- CARIFORUM Guidelines on Sanitary Standards for fishery and aquaculture products for human consumption formulated;
- A Model CARIFORUM Export Control Act formulated;
- Model CARIFORUM Sanitary Standards for fishery and aquaculture (human consumption) Regulations formulated;
- Coordinating mechanisms for national and regional fisheries SPS governance and its integration into the overall SPS regime formulated;
- Model instruments reviewed and endorsed through a regional validation process including a validation workshop to be convened by the CRFM Secretariat.

ASSUMPTIONS & RISKS

3.1 Assumptions underlying the project

In 2001, a diagnostic mission was organized to assess the capacity and potential of CARIFORUM Member States to expand their capacities for production and trade in fishery products locally, regionally, and internationally[22]. This led to the inclusion of fisheries in the EPA project proposal. The need for this activity was further reiterated by CRFM (Member States) in the CRFM biennial workplan and reviewed again most recently by regional stakeholders at the Blue Growth Workshop in Grenada[23].

It is assumed that CARIFORUM States are willing to cooperate in project activities and will actively utilize prepared guidelines and legislation. Government officials and key stakeholders are expected to attend and participate in the validation workshop. It is also assumed that national/regional organizations and implementing agencies are committed to strengthening their links, willing to share data and information, and willing to establish coordination mechanism to ensure effectiveness and sustainability of this intervention.

3.2 Risks

It is expected that the CRFM Secretariat will take all the necessary measures to ensure the fulfilment of its obligations as set out in this project. However, Acts of Gods, such as hurricanes, flooding, etc., may delay project implementation. Also, project awareness to civil society and direct stakeholders is important as the lack of information may lead to non-participation. Failure to meet these requirements could result in the project not meeting the expected results. However, these risks have been minimized, since Member States requested the intervention, have been kept updated of project plans, and will commit the necessary time to assist in implementation. Also, the projects visibility activities will improve project awareness.

SCOPE OF THE WORK

4.1 General

4.1.1 Project description

This assignment will provide support to CARIFORUM countries and the CRFM Secretariat to:

(1) develop/adapt and validate model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture, and
(2) support the establishment of SPS governance framework.

It is expected that the assignment should be completed in two phases to allow sufficient time for the CRFM to conduct additional internal consultations on the draft documents and for the CRFM Secretariat to make the necessary preparations for a Regional Validation Workshop. The CRFM Secretariat will provide logistical support to the KEs, assist in identifying documents, assist in the identification of stakeholders to be consulted, make all logistical preparations for country visits, assist in the circulation of documents for review, and approve all documents before presentation at the validation workshop (including the final draft document).

This assignment reviews existing **legal and regulatory framework** against international best practice, principles and standards, and development of model legislation and guidelines for health and food safety (AHFS) in fisheries. This task involves the formulation of *CARIFORUM Guidelines on sanitary standards for fishery and aquaculture products for human consumption*", (b) *CARIFORUM Sanitary standards for fishery and aquaculture products (human consumption) regulations*", and (c)

[22] Vanthuyne, 2002. Strategy and project proposal for an integrated CARICOM/CARIFORUM Programme to enhance the regional institutional capacity to expand the trade in fishery products locally, regionally and internationally.

[23] CRFM, 2014. Report of the CRFM/CFNO/CTA Regional Fisheries Workshop: Investing in Blue Growth, St. George's, Grenada 20-21 November 2014. CRFM Technical and Advisory Document - Number 2014/3

Model "*CARIFORUM fish and fishery product Export Act*". The development of these instruments will take into account previous efforts at the national and sub-regional levels and any successful applications to date. The scope of the revised model legislation should:

1. reflect the situation of CARIFORUM countries;
2. include fisheries and aquaculture;
3. be applicable to harvesting, handling, production, processing, storage, transportation and marketing of fisheries products intended for human consumption; and
4. reflect international principles, rules and standards.

This assignment also addresses the development of an effective **national and regional coordination mechanisms** for the fisheries and aquaculture component and for its incorporation into the overall SPS governance framework. At the national level consideration should be given to:

- the support for the formal establishment of a SPS governance framework (including coordination mechanisms) in each country comprising the Ministry(ies) which make up the competent authority (including Bureau of Standards) in the context of the WTO Sanitary and Phyto-sanitary Agreement and other arrangements. This body should include the Competent Authority representatives for all foods that are produced locally, exported, and imported.
- the development of public-private sector partnership (PPPs) and advocacy, in keeping with CRFM efforts to realize participatory approaches to fisheries management.
- initial information gathering by a subset of national representatives at key meetings (e.g., CAHFSA, SPS, OIE) to inform the development of the mechanism for managing contributions to regional and international activities.
- support to strengthening the representation at the international level in SPS forum (CODEX, OIE).

At the regional level, to operationalize coordination and implementation mechanisms, by:

- supporting regional coordination of fisheries and aquaculture SPS policy/management cycle
- gathering of information by regional representatives at key meetings to inform the development of the mechanism for managing the regional contributions to international activities.
- Harmonizing national SPS governance frameworks in each country into a regional governance framework.

In order to achieve the above, there is the need to identify existing national and regional entities that could be part of the governance framework by conducting a stakeholder analysis and institutional analysis that considers and rationalizes existing and potential roles and relations. This should include the determination of linkages of the fisheries and aquaculture component with other components of the food industry sector, and also with the appropriate regional entities, including analysis of regional stakeholders.

This assignment will include the following:

Review of legal instruments

The KEs will conduct a review of the current situation and existing legal instruments, which will form the basis for the development of new model legislation. The CRFM acknowledges that the model legislation has to address new developments in SPS, to be applicable throughout CARIFORUM states, and to include the CCCFP and other initiatives. Existing legislation /instruments should be examined for their adequacy through the identification of gaps, and to determine whether they should be amended or new legislation needs to be devised. Other documents to be reviewed should include, but not be limited to, the following national, regional and international legislation/procedures/obligations/protocols on food security, food health, food safety, agriculture, etc., as it relates to fish and fisheries products:

- international sanitary standards, guidelines, recommendations, e.g., CODEX, IPPC, OIE, IHR
- CARICOM/CARIFORUM and other regional obligations, guidelines, and policies on SPS measures/standards

- national regulations on food safety, including agriculture or SPS policies
- food safety requirements of CARIFORUM main trading partners such as Europe, USA, Canada, etc.

Stakeholder consultation

The assignment will be undertaken with close involvement of national, regional and international stakeholders. These stakeholders will be given several opportunities for effective involvement: remote consultations (email, phone, skype), informal face-to-face consultations (country visits), and formal meeting (national consultations, regional workshop).

Stakeholders include (but not limited to) relevant international organizations, (FAO, OIE, IPPC, etc.) and regional organizations (CAHFSA, CROSQ, Comite Nacional para la Aplicacion de Medidas Sanitarias y Fitosanitarias, CNFO, etc.). At the national level, stakeholders include National Government Ministries/Departments (Health, Agriculture, Legal Affairs (Attorney General Departments and Chief Parliamentary Counsel), Customs and Excise, Veterinary, Plant Protection, etc.,); Competent Bodies responsible for food safety; Teaching/Research institutions (UWI, Agriculture Research and Extension Institute (Guyana), Scientific Research Council (Jamaica)); Exporters/Processors; Official Laboratories; National Fishermen Organizations; Technical National Implementation Networking Team[24] (TNINTs).

Country visits

In order to collect data and information for this assignment, missions to ten CARIFORUM countries will be undertaken to consult with key agencies involved with SPS and the development of policies and legislation, and to facilitate a national consultation. Data from non-visited countries will be gathered by other methods. The suggested ten countries are Barbados, The Bahamas, Belize, Dominican Republic, Grenada, Haiti, Jamaica, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago (or as specified by the CRFM). Criteria for the selection of these countries were based on fish production, trade levels, and the status of SPS legislation/instruments. During visits, KEs will spend on average 2 working days in any country, one of which should be used for the national consultation. The missions will give KEs the opportunity to meet representatives from key agencies, identify key legislation, and conduct a stakeholder and institutional analysis that considers and rationalizes existing and potential roles and relations. The KEs will be accompanied by one technical officer of the CRFM Secretariat. Travel and subsistence cost for this officer will be covered as per section 6.5.

National consultations

The objectives of the national consultations (indicative each of 1 day, number of participants in each meeting 30) are to: (i) discuss zero drafts of the proposed model legislation and (ii) to discuss structure and operations of national and regional coordination mechanisms for the CARIFORUM region. Format of the national consultations will be determined by the national Fisheries Administration in collaboration with the CRFM Secretariat. Consultations will be undertaken in Barbados, The Bahamas, Belize, Dominican Republic, Grenada, Haiti, Jamaica, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago (or as specified by the CRFM). The Fisheries Administrations, IICA Country Offices, and CRFM Secretariat will assist with facilitation, organization, and logistical arrangements for consultations. Participants should include key stakeholders involved in SPS activities as it relates to fisheries and aquaculture, key food safety agency, legal and technical resource persons. The organization of national consultation should include domestic travel arrangements (land, air, sea), accommodations & payment of daily subsistence allowance (for participants requiring overnight), conference room (internet, projector, screen, coffee breaks, lunch), printing and distribution of documents, press/media coverage, and any other activities necessary to complete this activity. National Fisheries Administration will assist with the logistics for

[24] The Regional and National Technical Implementation Networking Teams (TNRINT) is managed by IICA mainly through virtual means of web/network. IICA Country Offices in close collaboration with the designated National Focal Points of the CARIFORUM States are responsible for the direct support to countries for the development and implementation of the annual work-plan.

contracting the workshop venue, sending invitation letters to participants, distribution of documents, and securing travel arrangement where necessary.

Stakeholder and institutional analysis
Country visits will also give KEs the opportunity to conduct a stakeholder and institutional analysis of organizations/individuals/groups involved in the utilization of sanitary standards as it relates to fisheries and aquaculture. This analysis should take into account the national and regional networking and coordination requirements for achieving an effective overall SPS governance framework, rationalize existing and potential roles and relations, inform the legislation process, and strengthen representation of the regions interests in international SPS forum.

Communication and visibility
Given the important communication and visibility potential of project activities and the national consultations for disseminating the results and activities of this project, the KEs will: (i) provide summarized information for the development of an infographic and press-releases; (ii) participate in two short video interviews; (iii) and any other media activity/event agreed on by the CRFM.

Validation of technical documents
The project will rely on other activities, not funded by this assignment, to review and validate the legislation/guidelines and proposal/plans for the establishment of national and regional coordinating mechanism.

1. The CRFM Secretariat in collaboration with IICA Country Offices and TNINTs will convene a special meeting(s) in all 15 CARIFORUM States to: (i) review and endorse the model guidelines/legislation, and (ii) review and endorse proposal and plan (systems and processes) for the establishment of national and regional coordinating mechanisms that could be part of a governance framework for SPS. The TNINTs should submit comments on the technical outputs to the KEs who are expected to finalize based on their recommendations and comments. The special meeting(s) should include at least five representatives from the fisheries and aquaculture sectors to ensure fisheries issues will be adequately addressed. To ensure uniformity across all CARIFORUM countries in reviewing the technical outputs the KEs will provide countries with an agreed standard format that the TNINTs should use to complete the validation. Meeting(s) by the TNINT will not be financially supported by this assignment.

2. The KEs will participate in a CRFM regional workshop (only workdays and DSA will be covered by this assignment). The KEs will present (i) the model guidelines, legislation, and regulations and (ii) the proposal and plan (systems and processes) for the establishment of national and regional coordinating mechanism that could be part of a governance framework for SPS. CARIFORUM State representatives at this workshop will be asked to endorse the final documents to facilitate CRFM approval and recommendation to COTED and other CARICOM bodies.

Following extensive consultations and national/regional validation of the legislation/guidelines, the KEs will finalize the documents based on comments and recommendations of stakeholders.

Technical Assistance will be provided through a Key Expert team comprised of a Senior Legal Specialist (Team Leader) supported by a Senior SPS Specialist. In the conduct of the assignment the Key Expert team will be supported by the CRFM Secretariat that will guide the KEs in implementing the tasks. The CRFM Secretariat will assign a staff (fisheries expert) who will work closely with the team including participation in the national consultations.

4.1.2 Geographical area to be covered

The project will cover Antigua and Barbuda, Barbados, The Bahamas, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

4.1.3 Target groups

Target groups for this project are CARIFORUM States FDs and their respective Ministries, Competent Authorities for SPS, and legal authorities at the national and regional levels.

4.2 Specific work

The KEs will undertake the following activities:

1. Initial remote contact and briefing with IICA (Barbados Office) and CRFM Secretariats regarding execution of the project.

2. Organize first mission to the region and country visits, including dates and travel schedule. Initial contact with countries on the organization of the national consultations. This should be done in collaboration with CRFM Secretariat and CARIFORUM States. For countries not selected for site consultations, initial contact with countries to clarify approach for gathering required stakeholder feedback and information.

3. Briefing with IICA and CRFM Secretariat at the CRFM Secretariat office in Belize, and develop and finalize work-plan and travel schedule;

4. Collect and review existing and draft national legislation, regulations and guidelines on SPS in CARIFORUM States, including the OECS 2003 Guidelines and draft harmonized regulations for OECS region on sanitary standards for marine products for human consumption, OECS Export Act outline, and other existing policy instruments related to SPS matters;

5. Consult with relevant national, regional and international organizations, taking into account regional and international standards, guidelines, and recommendations (e.g., CODEX, OIE, IPPC;

6. Prepare zero draft of the model CARIFORUM sanitary standards guidelines/regulations/ legislation for fishery and aquaculture products for the CARIFORUM region, to be presented and discussed at the national consultations;

7. Conduct stakeholder and institutional analysis in respect of SPS governance framework and to take into account the need to represent the region's interest in international fora.

8. In consultation with the CRFM Secretariat, organize country visits to meet with the Competent Authority/organizations related to SPS, Fisheries Departments, Legal Departments and other relevant stakeholder organizations;

9. During country visits conduct national consultations (each of 1 day, indicative number of participants in each meeting is 30-50) in ten countries, namely, Barbados, The Bahamas, Belize, Dominican Republic, Grenada, Haiti, Jamaica, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago, or as specified by CRFM;

10. Prepare summarized information for the development of an infographic and press-releases; and participate in two short video interviews.

11. Prepare national consultation reports, including stakeholder and institutional analysis reports, documenting findings and recommendations on sanitary standards for fisheries and aquaculture in the CARIFORUM region;

12. Prepare a first draft of the model CARIFORUM guidelines/legislation/ regulation on Sanitary standards for fisheries and aquaculture and circulate to relevant organizations for comments;

13. Develop a proposal and plan (systems and processes) for the establishment of national and regional coordinating mechanisms that could be part of an overall CARIFORUM SPS governance structure. Circulate to CARIFORUM States and relevant organizations for comments;

14. Review comments from CRFM TNINTs, CRFM Secretariat, and other stakeholders, prepare final technical documents, and submit to CRFM Secretariat;

15. Participate in a CRFM regional workshop to present final technical documents for approval;

16. Finalize technical documents and submit to the CRFM Secretariat;

17. Prepare Monthly and Final Technical Reports as required.

18. Prepare requisite monthly and final financial reports for the expenditures incurred, to be submitted to the CRFM Secretariat by the 20th of the following month, fully supported by original invoices and receipts.

19. Final Technical and financial reports should include methodologies used to deliver the various outputs/outcomes, with lessons learned and recommendations for follow up action. The report should be produced in Microsoft Word for Windows format and submitted electronically to the CRFM Secretariat by the end of the contract period.

20. Should any funds be left over at the end of the LOA, the Consulting Firm shall return to the CRFM Secretariat, unless agreed to in writing on the use of such funds.

4.3 Project management

4.3.1 Responsible body

The CRFM Secretariat, HQ in Belize is responsible for managing the implementation of this assignment.

4.3.2 Management structure

The CRFM Secretariat is implementing this project through the Headquarters in Belize. For the purposes of this assignment, CRFM Secretariat will act as the Contracting Authority and in effect, also the Project Manager.

The CRFM Secretariat will closely supervise the implementation of this intervention and equally monitor its execution pursuant to these Terms of Reference. The CRFM Secretariat, will support and supervise the implementation of this assignment, monitor activities and ensure follow-up activities are completed by the Member States.

All contractual communications including requests for contract modifications or changes to the Terms of Reference during the execution period of the contract must be addressed with a formal request to CRFM Secretariat's Belize Office.

4.3.3 Facilities to be provided by the Contracting Authority and/or other parties

Not applicable.

LOGISTICS AND TIMING

5.1 Location

The place of posting for the two KEs will be Belize City, Belize. Country consultation will be carried out in Barbados, The Bahamas, Belize, Dominican Republic, Grenada, Haiti, Jamaica, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago (or as specified by CRFM) according to approved timeline and work-plan presented by the KEs.

5.2 Start date & period of implementation

The intended start date is 16 February 2015 and the period of implementation of the contract will be 9 months from this date. Please see Articles 19.1 and 19.2 of the Special Conditions for the actual start date and period of implementation.

REQUIREMENTS

6.1 Staff

Note that civil servants and other staff of the public administration, of the partner country or of international/regional organisations based in the country, shall only be approved to work as experts if well justified. The justification should be submitted with the tender and shall include information on the added value the expert will bring as well as proof that the expert is seconded or on personal leave. CRFM Secretariat professional staff will be assigned to work closely with the KEs to guide delivery of the outputs.

6.1.1 Key Experts

The Consulting Firm's Authorized Key Experts who have a crucial role in implementing this assignment are referred to as Key Experts (KEs). Their profiles are described as follows:

Key expert 1: Senior Legal Expert and Team Leader

Qualifications and skills

- A post-graduate degree in fisheries law, ocean law, international law of the sea, maritime law, or any other related field;
- Training in Common Law systems and knowledge of Civil Law;
- High level of proficiency in spoken and written English; working knowledge of Spanish and/or French would be an asset

- Proven team leading skills

General professional experience

- 8 years experience in ocean and fisheries law;
- Proven report-writing, communication and project management skills

Specific professional experience

- Specific experience drafting legislation (minimum 3 assignments);
- Experience in the drafting of health and food safety guidelines, standards or legislation would be an asset;
- Demonstrated knowledge of sanitary standards, food hygiene, and food safety would be an advantage;
- Working experience in the Caribbean region would be an advantage;
- Experience in carrying out consultancy assignments for the EU or other equivalent international development partners (minimum of 3 assignments)

The indicative number of missions, requiring overnights, for this expert will be 10.

Key Expert 2: Senior SPS Specialist

Qualifications and skills

- A degree in science, technology, international marketing/trade, agriculture health, food safety or phytosanitation;
- High level of proficiency in spoken and written English; working knowledge of Spanish or French would be an asset

General professional experience

- At least 5 years experience working with national/international bodies in standardizing and conformity assessment related to agriculture/fisheries health and food safety and/trade in agriculture and food products.
- Proven report-writing, communication and facilitation skills

Specific professional experience

- Specific experience in the process of elaboration and implementation of standards and conformity assessment procedures for agriculture/fisheries health and food safety (minimum 3 assignments);
- Demonstrated knowledge of sanitary standards, food hygiene, and food safety
- Familiarity with the SPS agenda in CARICOM/CARIFORUM region and internationally;
- Working experience in the Caribbean region would be an advantage.

The indicative number of missions, requiring overnights, for this expert will be 10.

Indicative number of working days by expert and task

No.	Indicative Task	Key Expert 1 (Days)	Key Expert 2 (Days)
1	Initial briefing and document review	2	2
2	Document review and development of initial draft model CARIFORUM sanitary standards guidelines/regulations/legislation for fishery and aquaculture products for human consumption, and submit to CRFM Member States through the CRFM Secretariat.	10	5
3	Conduct field visits to 10 countries to meet with Fisheries Administration and relevant health and food safety agencies, and conduct National Consultations in respect of legislation, as well as analysis of institutional and stakeholder roles and responsibilities for SPS governance.	25	25
4	Develop proposal and plan for coordinating mechanisms for national and regional governance	2	10
5	Communication and visibility	2	1
6	Participate in regional workshop to present findings	4	4
7	Further develop and submit final documents (guidelines, model legislation, etc.,)	3	2
8	Team technical reporting	3	3
9	Team leader task	1	
	Total	**52**	**52**

All experts must be independent and free from conflicts of interest in the responsibilities they take on.

Additional information

a) The Consulting Firm's Authorized Experts must complete a timesheet using template provided by the CRFM Secretariat at the start of the implementation period.

b) The Consulting Firm's Authorized Experts are entitled to work a maximum of 6 days per week. Mobilisation and demobilisation days will not be considered as working days. Only in case of travel for mobilisation longer than 24 hours, the additional days spent for mobilisation will be considered as working days.

6.1.2 Non Authorized experts

Not required.

6.1.3 Support staff & backstopping

The CRFM Secretariat will provide support facilities to the team of experts (back-stopping) during the implementation of the contract.

Backstopping and support staff costs must be included in the fee rates.

6.2 Office accommodation

Office accommodation of a reasonable standard and of approximately 10 square metres for each expert working on the contract will be provided by the CRFM Secretariat in Belize City, Belize.

6.3 Facilities to be provided by the Contracting Authority

The Contracting Authority must ensure that experts are adequately supported and equipped. In particular it must ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to concentrate on their primary responsibilities. It must also transfer funds as necessary to support their work under the contract and to ensure that its employees are paid regularly and in a timely fashion.

6.4 Equipment

No equipment is to be purchased as part of this service contract. Any equipment related to this contract that is to be acquired must be purchased by means of a separate supply tender procedure.

6.5 Incidental expenditure

The provision for incidental expenditure covers ancillary and exceptional eligible expenditure incurred under this contract. It cannot be used for costs that should be covered by the Consulting Firm as part of its fee rates, as defined above. Its use is governed by the provisions in the General Conditions and the notes in the Service Contract. It covers:

a) KEY EXPERTS

- Travel costs and daily subsistence allowances (per diems) for **missions** for Key Experts, outside the normal place of posting, to be undertaken as part of this contract. If applicable, indicate whether the provision includes costs for environmental measures, for example CO2 offsetting.
- Travel costs for **field visits** for the Key Experts (car or boat rental, fuel and domestic flights or other appropriate means of transport).

b) NATIONAL CONSULTATION ORGANISATION

- The cost of organisation of the national consultation includes cost for venue, communication, transport (domestic travel or car or boat rental to/from);
- The payment of a lump-sum to participants requiring an overnight stay to cover accommodation and meals must not exceed the published IICA per diem rate for the country;
- The payment of a lump sum rate for the country, in accordance with the published IICA per diem rate, to all participants not requiring an overnight stay, to cover the cost of meals and incidentals;
- In the two cases above, an attendance list signed by each participant and a separate list stating that the lump-sum was received (with an indication of the amount) shall be used to justify the expenditure.

c) FUNDING OF REGIONAL OFFICERS ACCOMPANYING KEY EXPERTS ON MISSIONS.

Exceptionally, the cost of flights, accommodation and meals for the representatives of the regional fisheries bodies accompanying the Key Experts on regional or national missions or in-country field visits**,** under the following conditions:

i) The payment of a lump-sum to Officers requiring an overnight stay to cover accommodation and meals must not exceed the published IICA per diem rate for the country.

ii) The payment of a per diem rate for the country, in accordance with the published IICA per diem rate, to all participants not requiring an overnight stay, to cover the cost of meals and incidentals;

iii) If private or administration's means of transport are used by the representatives of the regional fisheries bodies accompanying the Key Experts on regional or national missions, the cost will be reimbursed upon submission of the relevant official receipt.

d) OTHER

- The cost of producing and delivering up to three extra copies of the Final Technical Report.
- The cost of translating technical documents from English to Spanish and French.

The provision for incidental expenditure for this contract is USD 93,000. This amount must be included unchanged in the Budget breakdown.

Daily subsistence costs may be reimbursed for missions foreseen in these terms of reference or approved by the Contracting Authority, and carried out by the consulting firm's authorised experts, outside the expert's normal place of posting.

The per diem is a flat-rate maximum sum covering daily subsistence costs. These include accommodation, meals, tips and local travel, including travel to and from the airport. Taxi fares are therefore covered by the per diem.

The Contracting Authority reserves the right to reject payment of per diem for time spent travelling if the most direct route and the most economical fare criteria have not been applied.

Prior approval by the Contracting Authority for the use of the incidental expenditure is not needed.

6.6 Expenditure verification

The provision for expenditure verification covers the fees of the auditor charged with verifying the expenditure of this contract in order to proceed with the payment of any pre-financing instalments and/or interim payments.

The provision for expenditure verification for this contract is USD 1,500. This amount must be included unchanged in the Budget breakdown.

This provision cannot be decreased but can be increased during execution of the contract.

REPORTS

7.1 Reporting requirements

Please see Article 26 of the General Conditions. For the project, there must be a final technical report, a final invoice and the financial report accompanied by an expenditure verification report at the end of the period of implementation of the tasks. The Draft Final Technical Report must be submitted to the

CRFM Secretariat at least 2 weeks before the end of the period of implementation of the tasks. Note that the monthly and final technical reports are additional to any required in Section 4.2 of these Terms of Reference.

The final technical report must be submitted to the CRFM Secretariat after receiving approval of the draft final technical report. The final technical report must consist of a narrative section detailing methodologies used to deliver the various outputs, with lessons learned and recommendations for follow up action. The report should be produced in Microsoft Word for Windows format and submitted electronically to the CRFM Secretariat.

Consistent also with CRFM Secretariat's reporting obligations outlined under its LOA with IICA in respect of the 10th EDF SPS project commitments, technical monthly reports also need to be prepared using the template approved under the agreed LOA.

To summarise, in addition to any documents, reports and output specified under the duties and responsibilities of each key expert above, the Consulting Firm shall provide the following reports:

Name of report	Content	Time of submission
Inception Report	Analysis of existing situation and work plan for the project	No later than 10 days after the start of implementation
Interim Technical Monthly Reports	On a monthly basis, and using template provided by the CRFM Secretariat, provide details of work progress, constraints, and follow-up actions. Additionally, the first draft of the guidelines and model legislation should be prepared no later than 10 days after national consultations are completed.	Last day of each month of project implementation
Interim Financial Monthly reports	On a monthly basis, and using template provided by the CRFM Secretariat, supported by original invoices and receipts, showing budgets for activities undertaken, expenditures and balances.	By the 20th of the following month.
Draft Final Technical Report	A draft final technical report which would include methodologies used to deliver the various outputs, with lessons learned and recommendations for follow up action. The report should be produced in Microsoft Word for Windows format and submitted electronically to the CRFM Secretariat by the stipulated deadline. Also revised draft documents taking into account changes and comments from the CRFM Secretariat and Member States by the stipulated deadline.	No later than 10 days after completing the regional workshop.
Final Report	A final technical report, taking into account comments provided by the CRFM Secretariat. The report would	One week after receiving approval of the Final

	include methodologies used to deliver the various outputs, with lessons learned and recommendations for follow up action. The report should be produced in Microsoft Word for Windows format and submitted electronically to the CRFM Secretariat by the stipulated deadline. Also revised draft legislation and stakeholder analysis documents taking into account changes and comments from the CRFM Secretariat and Member States by the stipulated deadline. A final invoice.	Technical Report.
Final Financial Report	A final Financial report using the template provided by the CRFM Secretariat, supported by original invoices and receipts, showing the overall budget for all activities undertaken, expenditures and balances. Should any funds be left over at the end of this LOA, the Consulting Firm shall return to the CRFM Secretariat, unless agreed to in writing on the use of such funds.	By the 20th of the following month.

7.2 Submission & approval of reports

One electronic copy and two hard copies of the model legislation, stakeholder and institutional analysis report and the final technical report referred to above must be submitted to the CRFM Secretariat. The documents must be written in English. The CRFM Secretariat is responsible for approving the final versions of the model legislation and reports in consultation with the 10th EDF SPS Project Management Team.

MONITORING AND EVALUATION

8.1 Definition of indicators

The results to be achieved by the Key Experts are included in Section 2.3 above. Progress to achieving these results will be measured through the following indicators:

i. Timeliness of backstopping support from the Head Office of the Firm;
ii. Technical outputs prepared and approved by CRFM Secretariat;
iii. Model legislation finalized and available to all CARIFORUM States;
iv. Respect of project milestones, time schedule and timely delivery of all reports;
v. Meeting expectations of the Target Group;
vi. Level of representation at the national consultations.

The Key Experts may suggest additional monitoring tools for the duration of the contract.

8.2 Special requirements

Not applicable.

* * *

Annex 2 | Inception Report

Inception Report

1. The current assignment takes place under the 10th EDF Programme titled “Support to the Forum of Caribbean States in the implementation of the commitments undertaken under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary (SPS) Measures” and is aimed at strengthening national and regional sanitary and phytosanitary systems by establishing a comprehensive legislative framework for health and food safety in the fisheries sector.

2. This report is the Inception Report, as foreseen in part 7.1 of the Terms of Reference, and provides an aanalysis of existing situation and work plan for the project. Project mobilization activities are also described.

Project Mobilization Activities

3. The contract commenced on 27 March 2015. At project initialisation, the Consultant was requested to make some changes to the project implementation:

    - It was requested that the implementation period for the project, foreseen as 9 months in the Terms of Reference and contract, was shortened so as to be completed by the end of August 2015 (i.e. an implementation period of 5 months).

    - It was requested that the SPS Specialist (KE2) was replaced with an alternative.

4. It was also determined that the 10 country missions were being organized to commence on 23 April.

5. Recruiting a replacement KE2 took some time. A candidate – Dr George Grant – was proposed by CRFM but it was not possible to confirm his participation until 16 April.

6. During this time, the itinerary for the mission was finalized (the agreed itinerary is set out in Appendix 2). It was agreed to organize the visits into two missions– the first covering The Bahamas, Jamaica, Belize, Haiti and the Dominican Republic, and the second covering Trinidad & Tobago, St Vincent and the Grenadines, Barbados, Suriname and Grenada.

7. On 21 April, the Consultant was informed by Dr Grant that he did not have a valid passport, and Dr Grant was unable to participate in the missions to The Bahamas or Belize, but was able to participate partially in the mission to Jamaica (where Dr Grant is resident). Dr Grant was able to rejoin the Consultant team prior to the mission to Haiti.

Understanding of the Existing Situation

8. Sanitary and Phytosanitary (SPS) issues in fisheries, as with other agricultural commodities, are becoming increasingly prominent both in national policies and in international trade relations. At the national level, strengthening sanitary controls and practices can help to optimise the returns from fishing activities, ensure a sustained, healthy and nutritious food supply and help to meet the demand of consumers who are increasingly sensitive to food safety and quality issues. At the international level, SPS controls and practices need to meet not only of the rules of the international trading system (primarily the WTO and it's agreements on SPS – among others – and various international standards, guidelines and recommendations, such as those developed by the Codex Alimentarius Commission (CODEX)) but also specifically the increasingly stringent trade rules being adopted by importing countries.

9. Access to critical markets is increasingly subject to compliance with complicated, demanding and strictly enforced rules. The increasing coverage and sophistication of many SPS measures are preventing many countries, including those within the Caribbean, from fulfilling the potential of their fisheries sectors as access to international markets is inhibited and inadequate levels of human, financial and technical resources are available to meet the increasing level and complexity of food safety required by the SPS measures. The issue is not only one for the public sector, but also the private sector which needs to develop the expertise, infrastructure and business models to maintain access to these markets.

10. The overall picture in the Caribbean (similar to several other regions) is mixed. The standard of fish handling practices/quality control systems varies among CARIFORUM countries, from products that attain international health and food safety standards to those that do not. Inadequate legislation is a major impediment in several countries, but the constraints are much wider and include: inadequate SPS standards and insufficient capacities in the public and private sector to apply them; insufficient institutional and laboratory infrastructure; inadequately defined roles and responsibilities at the institutional level, and administrative bodies with overlapping or conflicting jurisdictions, combined typically with a large number of bodies involved across the chain; lack of funding for capacity building and training. Some of the impacts of poor coordination include: the application of inconsistent SPS measures, duplication of efforts, confusion due to lack of information exchange, and SPS agreements being signed without input from the authorities responsible for agriculture health and food safety. These constraints are exacerbated by a constantly moving environment, since SPS systems continually adapt to meet new technological requirements or possibilities; progressive legal rules; and environmental challenges, such as climate change.

11. Currently, various regional initiatives are taking place with a view to strengthening regional SPS. Most significantly, the Caribbean Agricultural Health and Food Safety Agency (CAHFSA) has started to operationalize, and to implement its Strategic Plan (Road Map) and Medium Term Work Plan. The Inter-American Institute for Cooperation on Agriculture (IICA) has been involved in a number of initiatives through its Agricultural Health and Food Safety programme, and through the current programme (10th EDF Programme).

12. The current project presents a significant opportunity to move forward in developing the capacity of CARIFORUM countries to meet these challenges. Establishing a set of model legislative tools will enable CARIFORUM countries to develop their legislation so as to align it to international standards and meet the requirements of key countries of export. This will provide a framework for accessing international markets such as the EU, USA, and Canadian markets for fish exports, assist trade between CARIFORUM countries. At the same time, by seeking to address the strengthening of coordinating mechanisms at the national and regional levels, institutional constraints at the national level can be reduced, while regional standards for SPS and fish trade can be developed, strengthened and applied.

Regional strengthening

13. The emergence of CAHFSA is a critical element in the path towards regional SPS strengthening. CAHFSA as a responsible regional body has a mandate both to coordinate, implement, monitor and evaluate the national SPS programmes of MS, as well as to developed harmonized and/or integrated regional approaches. However, CAHFSA will need to ensure that it does not duplicate activities of other Caribbean institutions, but rather work in close collaboration with these institutions to achieve harmonization. CROSQ for example, will continue its role of establishment and harmonization of standards to enhance efficiency and improve quality in the production of goods and services to protect the consumer and the environment and improve intra and extra-regional trade.

14. These challenges indicate the need for formal or semi-formal cooperation arrangements, including information sharing, amongst the key institutions concerned. Such arrangements would need to involve as a minimum the three “core” organizations concerned – CAHFSA, CRFM and CROSQ, but might be extended to other organizations, such as CARPHA. The arrangements would also need to consider the networking amongst other relevant organizations and national authorities.

National strengthening

15. To a large extent, national strengthening needs to rely on regional approaches. All countries are faced with the same challenge of food safety measures in accordance with acceptable international standards. In this regard, the production and implementation of operating protocols in each MS is guided by the same group of already established models, such as those of the competent international authorities, the OIE, IPPC and CODEX or those established by regional bodies such as the EU.

16. MS can collectively strengthen their SPS capabilities, and benefit from administrative efficiencies, if protocols to implement these Standards are developed at the regional level. A regional approach is able more easily and more effectively to take stock of regional and international best practices and to learn from successful (and non-successful) experiences. Moreover, since in principle each MS needs to carry out a broadly similar exercise, the principle of “develop once, use many times” can be applied if MS are able to access a regional system. The benefits of combining

capacities, and reducing national administrative burdens, also make it easier for the protocols to be developed and updated in light of new requirements. Such regional approaches also help to remove intra-regional trade barriers and build stronger national institutions.

Work Plan

17. The draft Work Plan is set out in **Appendix 1**. No amendments to the Terms of Reference are foreseen in implementation of the Work Plan, other than that the order of some tasks may have to be re-organized and rescheduled to take account of the lack of preparation time, as described in the report above.

18. The Work Plan is organized around the following key groups of tasks:

    [1] Initial briefing and document review

    [2] Document review and development of initial draft model CARIFORUM sanitary standards

    [3] Conduct field visits to 10 countries to meet with Fisheries Administration and relevant health and food safety agencies, and conduct National Consultations in respect of legislation, as well as analysis of institutional and stakeholder roles and responsibilities for SPS governance.

    [4] Develop proposal and plan for coordinating mechanisms for national and regional governance

    [5] Communication and visibility

    [6] Participate in regional workshop to present findings

    [7] Further develop and submit final documents (guidelines, model legislation, etc.,)

    [8], [9] Team technical reporting; Team leader tasks and reporting

Appendix 1 | Work Plan

Our approach to implementing the assignment takes full account of the project objective, project purpose, components and required results as defined Terms of Reference. The following comments indicate how these tasks will be carried out, where necessary elaborating the methodology to be applied.

[1] Initial briefing and document review

The project preparatory (inception) tasks will include the following:

1.1. **Initial briefing.** Initial remote contact and briefing with IICA (Barbados Office) and CRFM Secretariats regarding execution of the project.

1.2. Initial contact with key stakeholders, and preliminary stakeholder mapping. Initial contact with the key stakeholders in the region will be made in order to conduct preliminary consultations by email or phone. The KEs will carry out a basic institutional and stakeholder mapping exercise to identify the existing institutional structures and the actors to be included in the consultation and technical processes.

1.3. Initial review of documents and legislation. Key documents (not already accessible by the Key Experts) will be obtained, where necessary in consultation with CRFM, and an initial analysis will be carried out. This will include international documents (WTO, OECD, third country import rules, etc.), regional documents (CARICOM and OECS instruments, CRFM Strategic Plan, etc) and national policies and regulations concerning SPS in the fisheries sector.

1.4. Planning for missions. Work will commence to organize the first mission to the region and country visits, including dates and travel schedule. Building on Activity 1.2, specific contact will be made with countries on the organization of the national consultations, and for those not selected on project cooperation to clarify approach for gathering required stakeholder feedback and information.

1.5. Briefing with IICA and CRFM Secretariat at the CRFM Secretariat office in Belize. A draft work plan and travel schedule will be developed and finalized during the briefing.

[2] Document review and development of initial draft model CARIFORUM sanitary standards

2.1. **Detailed analysis.** Building on Activity 1.3, a detailed review of existing and draft national legislation, regulations and guidelines on SPS in CARIFORUM States, including the OECS 2003 Guidelines and draft harmonized regulations for OECS region on sanitary standards for marine products for human consumption, OECS Export Act outline, and other existing policy instruments related to SPS matters will be carried out.

2.2. **Technical consultations.** To supplement the desk analysis, relevant national, regional and international organizations will be identified - taking into account regional and international standards, guidelines and recommendations (e.g., CODEX, OIE, IPPC) – and the KEs will undertake technical consultations. As necessary, technical consultations with national counterparts will also be undertaken.

2.3. **Preparation of zero drafts.** Zero drafts of the model CARIFORUM sanitary standards guidelines/regulations/ legislation for fishery and aquaculture products for the CARIFORUM region will be developed, and reviewed in close consultation with CRFM, and drafts to be presented and discussed at the national consultations will be finalized.

2.4. **Preparation of revised drafts for consultation.** Taking account of national and other first phase consultations (see [3]), a first draft of the model CARIFORUM guidelines/legislation/ regulation on Sanitary standards for fisheries and aquaculture and circulated to relevant organizations will be developed for further consultation.

[3] Conduct field visits to 10 countries to meet with Fisheries Administration and relevant health and food safety agencies, and conduct National Consultations in respect of legislation, as well as analysis of institutional and stakeholder roles and responsibilities for SPS governance.

3.1. Preparations, including production of consultation materials. Support for the various logistical and other preparations will be provided for the national meetings and consultations. The KEs will prepare consultation materials to be used including a stakeholder introductory letter, an information note on the background to and objectives of the project and the technical documents to be developed and a consultation package for the national consultations (agenda, handouts, presentations, etc.) containing both a generic component and a specific component, adapted to each country.

3.2. **Country visits.** In consultation with and with the assistance of CRFM, the KEs will organize and facilitate country visits to meet with the Competent Authority/organizations related to SPS, Fisheries Departments, Legal Departments and other relevant stakeholder organizations in ten countries, provisionally: Barbados, The Bahamas, Belize, Dominican Republic, Grenada, Haiti, Jamaica, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago (subject to final agreement with CRFM).

3.3. **National consultations.** During each country visit, a national consultation (each of 1 day, indicative number of participants in each meeting is 30-50) will be conducted. The KEs will ensure that the consultation is both informative and interactive, so as to enable a two-way dialogue. Recommendations, comments and suggestions from workshop participants will be encouraged through the process, and all inputs from participants will be recorded.

3.4. **Reports.** A report reflecting the inputs of participants and final recommendations, for distribution to all participants, will be prepared for each national consultation.

[4] Develop proposal and plan for coordinating mechanisms for national and regional governance

4.1. **Detailed analysis.** Building on Activity 1.3, a detailed review of policy instruments related to SPS matters will be carried out (including those in Activity 2.1) in the specific context of developing a proposal and plan for coordinating mechanisms for national and regional governance.

4.2. **Stakeholder and institutional analysis.** A detailed stakeholder and institutional analysis in respect of SPS governance framework will be developed, taking into

account the need to represent the region's interest in international fora. Specific methodologies on improving international representation will be elaborated.

4.3. **First drafts.** A proposal and plan (systems and processes) for the establishment of national and regional coordinating mechanisms that could be part of an overall CARIFORUM SPS governance structure will be develop and reviewed in close consultation with CRFM. Drafts to be presented and discussed at the national consultations will be finalized and circulated to CARIFORUM States and relevant organizations for comments.

4.4. **Revised drafts.** Taking account of national and other first phase consultations (see [3]), a revised drafts will be developed for further consultation.

[5] Communication and visibility

5.1. **Produce a communication plan.** In collaboration with CRFM, the KEs will develop a communication plan to promote awareness among stakeholders of project activities. The communication plan will address not only the needs for the national and regional consultations, but also the longer-term needs to generate awareness of and support for SPS strengthening.

5.2. **Infographic and press-releases**. The KEs will prepare summarized information for the development of an infographic and press-releases; and participate in two short video interviews, or such other communication activities as may be agreed.

5.3. **Project visibility**. Project visibility issues will be fully addressed, using formats and procedures agreed with CRFM.

[6] Participate in regional workshop to present findings

6.1. **Review of technical documents**. Comments from CRFM TNINTs, CRFM Secretariat, and other stakeholders, will be reviewed and revised technical documents will be prepared and submitted to CRFM.

6.2. **Preparations, including production of workshop materials.** Support for the various logistical and other preparations will be provided for the regional workshop. The KEs will prepare a workshop package for the national consultations (agenda, handouts, presentations, etc.), including a review of the results of the national consultations.

6.3. **Regional workshop.** Participation in a CRFM regional workshop to present final technical documents for approval.

[7] Further develop and submit final documents (guidelines, model legislation, etc.,)

7.1. **Revision of technical documents**. Taking account of the results of the workshop, including analysis of the results with CRFM, and all previously completed analysis and consultation, the KEs will produce revised versions of the technical documents, as final drafts.

7.2. **Review**. The draft final technical documents will be submitted to CRFM for review, and further revisions will be carried out as may be necessary.

7.3. **Support documentation.** In addition to the technical documents, supporting materials (guidelines, communication strategy, implementation strategy) will be

developed to assist CRFM and beneficiary countries in taking the documents forward.

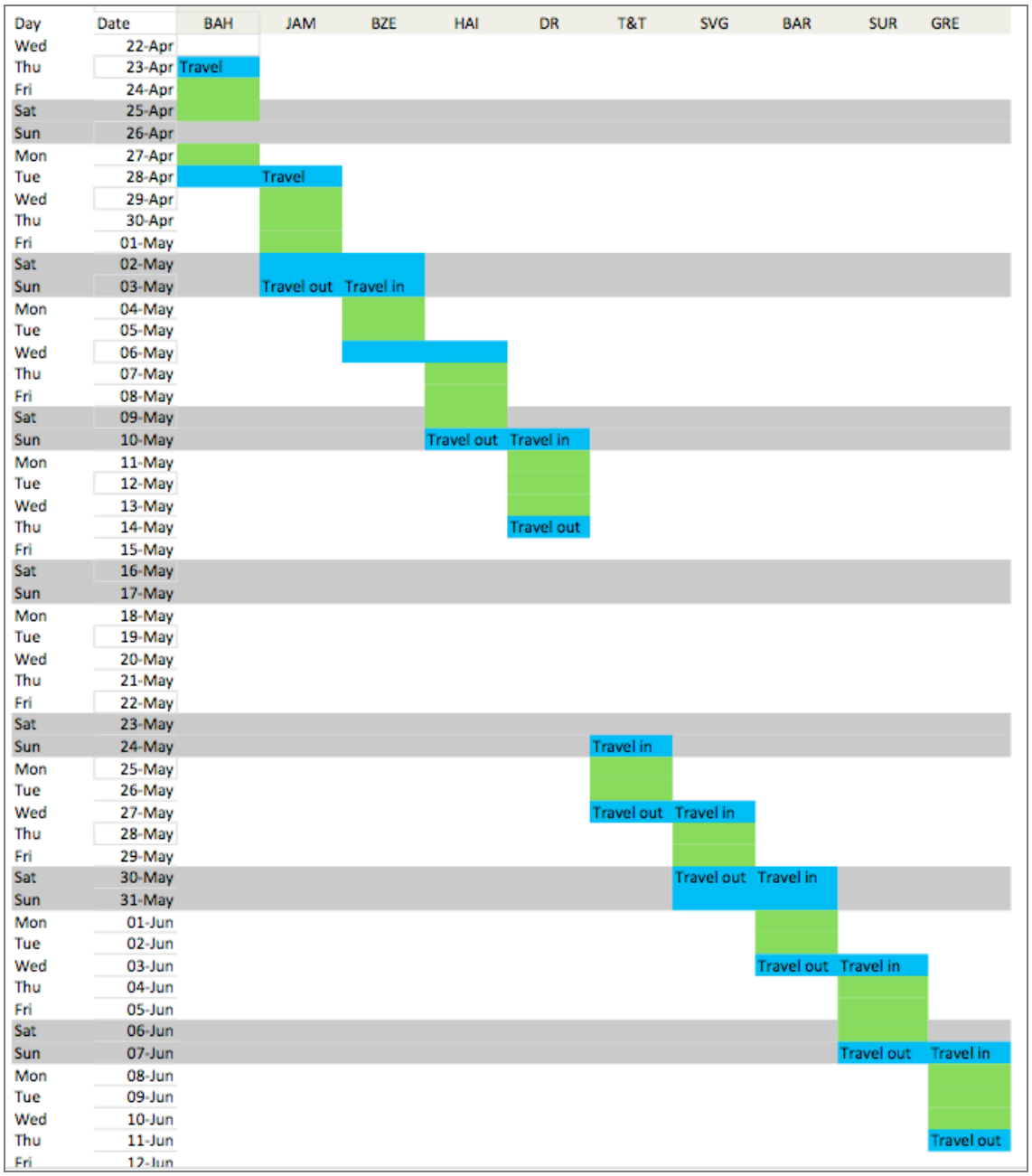
[8], [9] Team technical reporting; Team leader tasks and reporting

The Team Leader will coordinate all technical inputs and overall project delivery, including reporting. Reporting will be carried out as requested in the ToR and shall include:

- Monthly and Final Technical Reports
- Monthly and Final Financial Reports.

The reports will include the methodologies used to deliver the various outputs/outcomes, with lessons learned and recommendations for follow up action, developed consistently with our **skills and knowledge transfer** approach. The reports will be produced in Microsoft Word for Windows format and submitted electronically to the CRFM Secretariat. All reports will be written in English.

Appendix 2 | Itinerary for Country Missions



Day	Date	BAH	JAM	BZE	HAI	DR	T&T	SVG	BAR	SUR	GRE
Wed	22-Apr										
Thu	23-Apr	Travel									
Fri	24-Apr										
Sat	25-Apr										
Sun	26-Apr										
Mon	27-Apr										
Tue	28-Apr		Travel								
Wed	29-Apr										
Thu	30-Apr										
Fri	01-May										
Sat	02-May										
Sun	03-May		Travel out	Travel in							
Mon	04-May										
Tue	05-May										
Wed	06-May										
Thu	07-May										
Fri	08-May										
Sat	09-May										
Sun	10-May				Travel out	Travel in					
Mon	11-May										
Tue	12-May										
Wed	13-May										
Thu	14-May					Travel out					
Fri	15-May										
Sat	16-May										
Sun	17-May										
Mon	18-May										
Tue	19-May										
Wed	20-May										
Thu	21-May										
Fri	22-May										
Sat	23-May										
Sun	24-May						Travel in				
Mon	25-May										
Tue	26-May										
Wed	27-May						Travel out	Travel in			
Thu	28-May										
Fri	29-May										
Sat	30-May							Travel out	Travel in		
Sun	31-May										
Mon	01-Jun										
Tue	02-Jun										
Wed	03-Jun								Travel out	Travel in	
Thu	04-Jun										
Fri	05-Jun										
Sat	06-Jun										
Sun	07-Jun									Travel out	Travel in
Mon	08-Jun										
Tue	09-Jun										
Wed	10-Jun										
Thu	11-Jun										Travel out
Fri	12-Jun										

Annex 3 | Mission Reports

The Bahamas

1. A mission to The Bahamas took place from 22-28 April. The mission team comprised the Project Team Leader (Chris Hedley) and CRFM Programme Manager (Peter Murray).

2. The following meetings and visits were organised:

   - Meeting with senior staff from the Department for Marine Resources
   - Meeting with drafting lawyer from the Attorney-General's Office (responsible for drafting new SPS Bills)
   - Meeting with the national SPS Committee (in effect, the TNINT), comprising representatives from BAIC, IICA, EH, BMEA, DoA, Agriculture Producers groups (this meeting formed the national consultative workshop – see below).
   - Visit to a key production establishment - Tropical Seafood.

3. Due to the short-notice of the mission, it was not possible to organize meetings with other stakeholders but the mission team was nevertheless able to get a good understanding and appreciation of the national context.

Meeting Notes

Fisheries Division

Introduction of mission team and FD staff (MB)

- Present were:

Michael Braynen	- Director
Edison Deleveaux	- Deputy Director
Gregory Bethel	- Senior Economist, Fisheries Department
Roland Allbury	- Senior Fisheries Officer
Gilford Lloyd	- Senior Fisheries Officer
Greg Cartwright	- Fisheries Superintendent
Pat Bethel	- Consultant
Brickell Pinder	- Senior Economist, Ministry of Agriculture
Peter A. Murray	- PM, FMD, CRFM
Chris Hedley	- Legal Consultant

Introduction to the consultancy

- Project overview (Peter Murray)
- Specific Consultancy overview (Chris Hedley)

Key stakeholders and institutions to be "involved in the discussion" (garnered from discussions)

- Department of Agriculture
- Department of Environmental Health
- Department of Fisheries
- Bureau of Standards
    - has a role but is still fledgling under Finance
    - more a monitoring/advisory function than "executive"/management
- Technical aspects would be developed by relevant agency
- Bahamas Marine Exporters Association
- Bahamas Agricultural and Industrial Corporation
    - Possibly as relates to aquaculture as users and investment opportunities in the food production sector (at level of environmental monitoring and compliance in aquaculture)
- "Producer" associations
- Consumers (general public since there are no consumer groups/associations, *per se*
- Bahamas Agriculture and Marine Science Institute (BAMSI)
    - especially as relates to capacity building in the context of "from farm to fork" approach

Analysis of Ministry/ FD as a stakeholder group

- Current fisheries legislation speaks to SPS concerns from the time the fish is caught
- Under the Draft BAHFSA Bill, the BAHFSA can delegate responsibilities that are sectorally specific
- Currently only DoF and DoEH have any legislation related to HFS
- Draft Bahamas AHFS Authority bill speaks to a National SPS committee in which Fisheries is represented

Logistical Arrangements for meetings with key stakeholders and institutions (individual meetings/national consultation/ site visits/ etc.)

- Meeting with TNINT (has another name)
    - comprises reps from BAIC, IICA, EH, BMEA, DoA, Agriculture Producers groups
    - need to confirm whether it can be met on Monday during their regular meeting
    - meeting will be primarily introductory as they would be involved in one of their regular meetings
    - may meet specifics members afterwards (at "consultation")
- Legal expert that was involved in drafting the bills supplied
    - 3:30 pm
- Meeting with key stakeholder (groups)/institutions
    - Monday
- Visit to Tropical Seafood
    - Visited before (09:35) current meeting and had discussions with President, Quality Assurance Director
    - viewed Aquaculture of Nassau grouper, aquaponics, vegetable greenhouse

- 1/2 day National Consultation
    - IICA office has indicated availability of their offices for the national consultation (Monday afternoon). Subsequently determined that Team will meet with the "TNINT" around 12 (after their regular meeting), providing lunch as an incentive to those who are willing to stay and from thence hold discussions as would have been anticipated for the consultation

Tropical Seafood

- A meeting with staff and tour of the facility at Tropical Seafood was organised. Discussions took place with the company President and the Quality Assurance Director. Both stakeholders considred that it was a constant challenge to meet the export requirements of trading countries. However, they considered that beyond that

- A tour of the facility was organized, and the project team viewed aquaculture of Nassau grouper, aquaponics and vegetable greenhouses. The potential for diversification from fish products was under consideration.

TNINT/National Consultation

Opening remarks

• Introduction of team by Michael Braynen

Introduction of participants

Participants introduced themselves and identified their organisations. They comprised the TNINT (a.k.a SPS Committee) plus other invitees and represented the following agencies/organisations (see attendance sheet):

• BAIC
• BAMSI
• DMR
• Vet
• Dept of Agric
• College of Bahamas
• Food safety of DMR
• Marketing (Min Agic)
• IICA

Introduction to the project & present activity

• Introduction to the Project and the consultancy by Chris Hedley
  ○ Overview of Project (PowerPoint presentation available from C. Hedley under separate cover)
    ▪ ToRs for consultancy (overall objective; purpose; results to be achieved, outputs)
    ▪ Approach to consultancy including anticipated timeline
    ▪ Topics for current discussion: “Thoughts on legislative and coordinating requirements”
    ▪ Issues/challenges and related Main SPS programme activities

Lunch Break

Thoughts on legislative and coordinating requirements

• SPS as it relates to invasive species (e.g. Lionfish) and/or pollution especially in the case of migratory/shared species needs to be given some consideration
• Issues related to environmental monitoring for SPS need to be considered and incorporated into model legislation

- Legislation
  - Existing and proposed national legislation
    - assume that draft and existing legislation in Bahamas are pertinent
    - need to consider how enforcement personnel/expertise can be allocated /disposed among the relevant agencies and how issues can be dealt with under specific legislation
  - Regional legislation/requirements/protocols of relevance to The Bahamas
    - Regional support needed with regard to poaching (and the implications for food safety)
    - Inspection at sea becomes a concern that may have to be dealt with through regional collaboration (e.g. regional inspectorate)
    - Conditions/protocols related to recall need to be considered
    - (Fisheries) Waste management and sanitation impacts on SPS requirements (may be considered under the rubric of environmental monitoring/management)
    - SPS may need to be incorporated in greater detail in the FPM and SOPM. Manuals would need to be developed that provide the basis in law for SOP with regard to SPS
    - Importance of inter-agency cooperation; this also relates to monitoring of SPS conditions at community and other food worker level
      - This begs the question of the need for standards (voluntary or government certified)

Roles and relations of institutions and stakeholder groups for SPS coordination

- Draft legislation (11 Feb 2015) satisfactorily speak to the roles and responsibilities –
  - Authority should have a coordinating role with responsibilities farmed out to different agencies. Consideration may need to be given to whether the Authority will be given the resources to carry out full responsibility
    - Consideration for interagency commitments (e.g. through MoUs) in keeping with implementation
    - Legislation is a framework and there would/might be need for regulations hat determine how the process takes place

Way forward and close

- There was no formal discussion on the way forward since this had been captured in the overview of the project (timeline)

Appendix | Document Lists

Documents Collected

- Food Safety and Quality Bill, 2015
- Animal Health and Production Bill, 2015
- Agricultural Health and Food Safety Authority Bill, 2015
- Food Act 1985
- Food (Seafood Processing and Inspection) Regulations 2002

Media Coverage

- None

Presentations

- Project Overview, Chris Hedley

Photographs

- Visit to Tropical Seafood

Jamaica

1. A mission to Jamaica took place from 2-6 May. The mission team comprised the Project Team Leader (Chris Hedley) and KE2 (George Grant) and CRFM Programme Manager (Peter Murray).

2. The mission was extremely well organised, and a number of meetings were arranged:

    - Senior staff from the Fisheries Division (two meetings, at each end of the mission)
    - EU Delegation
    - Veterinary Services Division (VSD)
    - Bureau of Standards Jamaica (BSJ)
    - the National Food Safety Committee (TNINT);

3. A well-attended national consultation with key stakeholders was also organised.

Meeting Reports

Fisheries Division

Attendees: Chris Hedley (Legal KE & Team Leader), George Grant (SPS KE), Peter Murray (CRFM Sec); André Kong (Director of Fisheries), Avery Smikle (Head, Aquaculture Branch), Shellene Berry, TaChala Joevankar, Stephen Smikle (introduction only)

An introduction to the Project and consultancy was given by C. Hedley, covering:

- ToRs for consultancy (overall objective; purpose; results to be achieved, outputs)
- Approach to consultancy including anticipated timeline
- Topics for discussion
- Issues/challenges and related Main SPS programme activities

DoF indicated that Jamaica has had a lot of experience with SPS issues in the fisheries sector, and not many incidents of negative food safety in fish (or other food) products. There was a need, however, to rationalize EU standards with local production given other (export) markets and their standards and to understand what the minimum (international) requirements for SPS. There is concern that current standards used in JA may be excessive. A key local issue was the involvement of artisanal fisheries in the export markets – DoF was confident that this issue was being resolved.

The logistical srrangements for meetings with key stakeholders and institutions were discussed, alonf with the agenda for the National consultation.

Bureau of Standards

Chris Hedley provided an overview of the consultancy, covering: Overall objective; purpose; results to be achieved, outputs; Approach to consultancy including anticipated timeline; Topics for discussion; Issues/challenges and related Main SPS programme activities. There then followed discussions with BSJ inspectors, key points were:

- The challenge of meeting EU standards by exporters who are exporting to non-EU countries (e.g.US): need to streamline regulations to meet various challenges; there are other countries to which trade is taking place but which have less stringent requirements. Need to choose the best regulatory tools to meet national strategic goals.

- BSJ inspects pursuant to the Processed Foods Act (context: food processing plants), but has recognised that some regulations are outdated. Bureau role in context of local processing establishment BSJ role is in registration while Fisheries does the permitting.

- Regional trade is also an important issue that has to be considered. Coordination at the regional level dependent on market needs should be considered including to the extent that consolidation (of exports) can be achieved given the variance in national level standards (and also mindful of Revised Treaty of Chaguaramas and/or CSME).

- Role of BSJ and similar agencies, given Jamaica's stated sectoral development thrusts (i.e. species other than conch and lobster), might be in providing support to fisheries in development of codes of practice and regulatory frameworks; but resources currently preclude actual direct involvement in the regulatory process.

- Fisheries should initiate involvement of the relevant agencies; this begs the question of the need for MoUs between agencies.

Meeting with EU Delegation

- Chris Hedley (Legal KE & Team Leader), Dr. George Grant (SPS KE), Peter A Murray (CRFM Secretariat representative), Stacy-Ann (Ministry of Agriculture)

- Koenraad Bruie (EU Delegation)

Introduction to the consultancy by Chris Hedley

- Overall objective; purpose; results to be achieved, outputs

- Approach to consultancy including anticipated timeline

- Related Main SPS programme activities

- Links to Environmental Monitoring consultancy (EM team to visit The Bahamas, Belize, Dominican Republic, Guyana, Jamaica, St. Kitts and Nevis, Saint Lucia, and Suriname)

As a courtesy call, the main thrust of the meeting was providing M. Bruie with information regarding the consultancy. The importance of the sector was emphasized, both in the context of EPA and national policy, and this appeared not to have previously been fully appreciated. There was some discussion of IUU fishing which appeared to be

a significant issue within the Delegation, although it was noted that was largely an issue outside this consultancy (albeit there were some synergies).

TNINT Meeting

Attendees:

- Chris Hedley (Legal KE & Team Leader), Dr. George Grant (SPS KE), PAM (CRFM Secretariat)
- Dr. Linette Peters, Director of Public Health & Chair of National Food Safety Committee (TNINT); Mr. Fitzroy White, Senior Plant Quarantine Officer- Min Agric; Tara Dasgupta, Prof in Chemistry – UWI; Karl Hyatt, International Trade Specialist – Min Agric; Loron Pinnock Brown Inspector Bureau of Standards; Shauna Brandon, IICA Liaison; Farrah Hansel, Fisheries Officer.

Chris Hedley provided an overview of the consultancy, covering: Overall objective; purpose; results to be achieved, outputs; Approach to consultancy including anticipated timeline; Topics for discussion; Issues/challenges and related Main SPS programme activities.

The main issue of concern to the TNINT appeared to be the question of whether or not different standards/guidelines should apply to fishery products for local consumption compared with those for export (including the recognition of the tourism market as an export market). Different sides of the argument were presented and considered. CH pointed out that decisions about national food safety were entirely a matter for national policy – and need not be dictated by foreign market / third country considerations.

Concern was also expressed regarding the issue of monitoring on contaminants that impact on fish quality, human health and food safety.

A number of issues related to (pure) fisheries management were raised in the context of the manners of dealing with the artisanal fisheries as compared to the commercial: this again in relation to the enforcement/monitoring of standards

Veterinary Services Division

Attendees:

- Chris Hedley (Legal KE & Team Leader), Dr. George Grant (SPS KE), Peter Murray (CRFM Secretariat)
- Dr. Winthrop Marsden, Senior Veterinary Officer; Kevin Walker, Veterinary Services Officer; Nigel Elliott, Veterinary Officer; Dr. Mathew Brown, Veterinary Officer; Gillian Taylor-Ellis, Senior Veterinary Specialist

Concern that guidelines may follow EU requirements, given that it may put an unnecessary strain on exports that do not wish to access the EU market. In this context, caution that other States may “suffer”, as did Jamaica, in setting standards at the level to meet EU requirements.; hence guidelines hsoul dnot constrain States specifically to meet EU requirements but be flexible enough that countries can seek to achieve standards relevant to their strategic directions.

Noted that consultancy on Environmental Monitoring would hopefully be commencing shortly and it is (currently) expected that team would visit The Bahamas, Belize, Dominican Republic, Guyana, Jamaica, St. Kitts and Nevis, Saint Lucia, and Suriname

EU does not inform of changes in their requirements but expects that the country will check their website for information regarding such changes. CH pointed out that a regional entity (e.g. CAHFSA) could carry out this function in support of MS.

Noted that EU audit teams appear to be inconsistent in their directions, this may need to be given consideration/flexibility in developing guidelines. Also an issue may be sheer ignorance on the part of EU auditors (e.g. for a long time Conch was included under marine bivalves and hence requirements (such as faecal coliforms) were such that relate those for bivalves. This has since been changed as they are irrelevant to conch.

Noted that Jamaica parliament has accepted use of electronic signatures in permitting processes, however need to determine whether these are acceptable to the Courts, mindful that this may have implications for enforcement and compliance at the domestic level and the jurisprudence in support of this.

Important to consider implementation policy that allows for enforcement to be done mindful of the exigencies of State; for example while the principle act may indicate that (say) VSD shall/has authority to carry out inspections of all vessels, the implementation policy may state that Jamaica's 7000 canoes need not necessarily be inspected (except under certain determined circumstances) but under the deliberate judgement of the VSD.

National Consultation

Opening remarks were provided by: Mr. Don McGlashan - Director General, Ministry of Agriculture and Fisheries; Peter Murray, CRFM Secretariat and Ms. Shauna Brandon – IICA. Chris Hedley introduced the project, including a review of the activities in Jamaica to date. The introductory session was followed by presentations from key stakeholders:

Bureau of Standards of Jamaica (Garth Smith)

- Overview of the Bureau
    - Legal Framework
    - Operational areas
        - Regulatory
        - Trade facilitation
        - Science and Technology
        - Engineering
    - Role and functions (in context of operational areas)
- The presentation highlighted some of the operational challenges facing BSJ. Question regarding BSJ's role for foods coming into the country – standards compliance programme where there is random inspection of foods coming in. Also domestic market survey (especially for labelling)
- The question was posited whether BSJ coverage is ideal? – There is a human resource constraint and in some cases port inspection of particular imports is not possible due to import logistics. Is there mechanism where public can report

apparent breaches of standards to BSJ – there is a customer service desk or complaint can be to consumer affairs commission which liaises with BSJ.

Ministry of Health (Dr. Lynette Peters)

- Overview of Management of Food in Jamaica
    - Food safety is responsibility of 3 Ministries MoH, MAF, Ministry of Industry, Investment and Commerce
    - 20 pieces of legislation that speak to food safety
    - National Quality Policy (approved in 2013) speaks to the need to establish a single food safety agency
    - National Codex Committee (Fish hygiene committee has not been active)
    - SPS Enquiry Point
- Ministry of Health regulatory framework
    - Regulations
    - Inspection Types
    - Process flow for new food handling establishments
    - Process for re-certifying food handling establishments
    - Requirements of regulations
    - Sanctions available to Health Departments

In response to a question, it was noted that pressure from private sector can help facilitate rationalization of responsibilities.

How is “establishment” defined? Physical plant with walls ceiling etc. Market where food is handled requires a food handlers' permit.

Presentation - Veterinary Services Division (VSD Dr. Winthorp Marsden see PowerPoint presentation)

- Role and Function of the Competent Authority
    - VSD is competent Authority
        - Definitions (codex, EU, OIA)
    - Mandates
        - Work involves implementing national regulations and acts
    - Functions and duties of competent authority
        - International trade in food
        - Food exports

- Food imports
- Food Health Disease Surveillance
- Laboratories
- Official certification
- Provision of technical expertise by consultants and other advisors
- Promotion of food safety to consumers

- Main points
  - CA must develop and implement policies and programmes to safeguard the public health of consumers of animal, aquaculture, inland and marine products and their by-products.
  - Food safety legislation must provide the competent authority with legal powers to carry out controls at all stages of production, manufacture, importation, processing, storage, transportation, distribution and trade.
  - In many countries competent authorities are part of the government e.g. Ministry of Health, Ministry of Agriculture. For zoonotic diseases there is often an overlap between agriculture and health departments.
  - The competent authorities should be organised in such a way as to provide for taking action quickly and coherently when such action is key to success, notably in case of implementation of animal health emergency measures or veterinary public health crises
  - Ideally, a competent authority must ensure that the provision of advice is regulated. In reality, governments rarely have the resources to do this. However, governments can seek to ensure that approved sources of advice are available and accessible.

Discussion (lead off with presentation by C. Hedley)

- Challenges related to Main SPS programme activities
  - The world is more food safety-conscious
    - As efforts continue towards more trade within the CARIFORUM states at the international level, the fisheries sector faces more pressure from consumer and advocacy groups who continue to demand quality and healthy foods for human consumption.

- Technical expertise and physical capacity
    - In order to have effective and efficient systems for agricultural and fisheries health and food safety, there must be strong technical skills amongst fisheries employees and stakeholders, as well as the necessary physical infrastructural capability
- Management woes
    - In many CRFM states, the responsibility for managing SPS efforts is spread over a number of agencies. This lack of structure often leads to patchy standards that are harder to enforce and monitor for progress
- Environmental concerns
    - The biodiversity of the ecosystems in the region provide a rich source of income for many local fisher-folk; however, they are very fragile, often being severely affected by natural disasters such as hurricanes.

- Indicative stakeholder “map”
- Suggestion: aim for highest standard locally but gradually implement. Should apply aquaculture act to all sub-sectors.
- Does VSD consider itself to have the legislative framework to deal with value added products?
- Need to consider the special position of small scale fishers while the regulatory burden must not be too high
- Need to consider other external factors (outside fisheries) that impact on food safety (e.g. marine pollution including land-based ones)
- Reminder current act binds the crown
- Need to incorporate ornamental fish exports; noted that this project deals with fish for consumption
- Need to find a way that both systems (export and local consumption) can be compatible/consistent
- Management and user fees for landing sites, including sanitation; this may relate to local government and the role they play
- Fishers’ maintenance of cold chain need to be considered
- Emphasised that aquaculture products are chemical free and may even be safer than marine fish
- Rebuttal: marine fish (conch/lobster) and waters have been studied extensively by EU and are found o be safe
- Recommendation: swift harmonisation/rationalisation of various acts and regulations (in lieu of any new act)

- Clarified issue elated to who is the competent authority, that it is dependent on the aspect of law being considered

Concluding overview of findings and recommendations, way forward and close – Chris Hedley

Emphasized the consultancy is to help guide how things can be done better, NOT to say that things are being done wrong or find out what is being done wrong.

  - Documents will be done in a few weeks and circulated to MS
  - Thanked all for attending and recognized efforts of Fisheries Division in setting a high standard that other consultation will have to meet.

Debriefing Meeting – Fisheries Division

- Chris Hedley (Legal KE & Team Leader), George Grant (SPS KE), Peter Murray (CRFM Sec)
- André Kong (Director of Fisheries), Avery Smikle (Head, Aquaculture Branch), Shellene Berry, T'Chala Joevankar, Anna Ebanks, Stacy-Ann Gray, Charlene Thomas, Kimberlee Cooke-Panton, Dowen Wynter, Farrah Hansel.

CH: Noted excellent job done by FD on short notice.

Smikle: Clarified issue related to historical status of aquaculture. 2007 lost export market to EU and UK (not priced competitively). Draft fisheries bill should comprehensively address aquaculture. Policy to bring back aquaculture to it previous level.

CH: noted that the number of agencies involved in the governance framework need to be looked at. May not need to change legislation but rather improve cross-agency communication.

Kong: Need to look at fisheries sector from the value chain perspective.

Kong: need to relate advice/recommendations to the standards/requirements to which JA has to adhere.

Need to be sent documents FD thinks is relevance (including drafts)

Notwithstanding that participants grasped the concept, need to define SPS in presentations.

Appendix | Document Lists

Documents Collected

- Food Safety and Quality Bill, 2015
- Animal Health and Production Bill, 2015
- Agricultural Health and Food Safety Authority Bill, 2015

- Food Act 1985
- Food (Seafood Processing and Inspection) Regulations 2002

Media Coverage

- None

Presentations

- Project Overview, Chris Hedley

Belize

1. A short but intensive mission to Belize took place on 4 and 5 May. The mission team comprised the Project Team Leader (Chris Hedley) and CRFM Programme Manager (Peter Murray).

2. The following meetings and visits were organised:

    - Briefing Session with CRFM / Fisheries Department
    - Field visit to Fein Catch Tilapia Farm – Mr. Roberto Salas – Farm Manager
    - Meeting with Country Representative - International Regional Organization for Plant and Animal Health (OIRSA) (Mr. Fermin Blanco)
    - Meeting with Director of the Belize Agricultural Health Authority & Senior Staff (Mr. Emir Cruz – Managing Director – BAHA, Mrs. Delilah Cabb Ayala – Coordinator: Sanitary & Phytosanitary Enquiry Point - BAHA)
    - Meeting with the Ministry for Foreign Trade – (Ms. Margaret Ventura & Mr. Richard Reid)
    - Meeting with Drafting Unit of the Solicitor General's Office (Mr. Randall Sheppard).

3. A well-attended National Consultation was organized on 5 May.

Meeting Reports

Briefing Session with CRFM / Fisheries Department

A brief meeting took place with the Fisheries Department, mainly to discuss logistical requirements for the mission. Mr Rigoberto Quintana was tasked with organization the mission, and liaising with the project team.

Field visit to Fein Catch Tilapia Farm

A field visit to the Fein Catch Tilapia Farm was organized, and the project team met with the Farm Manager, Mr Roberto Salas. A brief overview of the facilities was provided, followed by a discussion of some of the challenges facing the business. It was noted that aquaculture was a developing sector in Belize, with the potential for more growth. From a business perspective, meeting food safety requirements was not excessively difficult – it is recognized as an essential component of the business, and staff knew what they were doing. However, following export regulations could be difficult and the lack of comprehensive national regulation was seen as difficult.

International Regional Organization for Plant and Animal Health (OIRSA)

A helpful meeting took place with Mr. Fermin Blanco, Belize Country Representative for OIRSA. A presentation of the activities and actions taken by OIRSA was provided. Of particular note were:

- OIRSA provided certain technical services to its members (certain due diligence and inspection services concerning veterinary tests). For this, a fee was charged

and any surplus funds were directed to in-country projects. This was win-win, because OIRSA was able to provide the services more effectively and cost-efficiently than individual Member States, while at the same time it was a means to divert funds back into country projects. The potential of implementing similar approaches in Caricom was discussed, although it was noted developing common frameworks in Caricom was a more complex and lengthy process than in SICA.

- It was also explained that OIRSA played a significant role in supporting international negotiations and meetings. Due to limited financial, human and technical capacities of Member States, and the large numbers of meetings involved in the food and SPS sector, meetings were sometimes "shared" amongst the Member States and OIRSA. Typcially, a Member State would be selected to represent the Member States collectively, and would be supported by OIRSA technical staff. This gave the delegation more technical expertise than it might otherwise have (and enable the Member States to deal with other technically-equipped delegations, such as those from the EU, USA, etc.). Also, it enabled a wider coverage of meetings, since the expense of sending individual delegations was reduced. It could sometimes be difficult to reach agreement on the approach, however.

- A number of technical activities carried out by OIRSA were also discussed, including the provision of technical manuals and guides and harmonised procedures.

Belize Agricultural Health Authority (BAHA)

Attendees:

Mr. Emir Cruz, Managing Director (Email: emir.cruz@baha.org.bz)

Dr. Miguel Figueroa - Director, Food Safety (Email: miguel.figueroa@baha.org.bz)

Dr. Miguel Depaz, Director, Animal Health (Email: miguel.depaz@baha.org.bz)

Mr. Margarito Garcia, Quarantine (Email: margar.garcia@baha.bz.org)

Dr. Natalie Gibson, Deputy Director/Laboratory Administrator, Food Safety (Email: natalie.gibson@baha.org.bz)

Mr. Endhir Sosa, Senior Food Safety Inspector, Food Safety (Email: endhir.sosa@baha.org.bz)

Ms Delilah Cabb Ayala, Coordinator, SPS Enquiry Point (Email: bahasps@btl.net or delilahcabb.ayala@baha.org.bz)

A very helpful and detailed meeting took place with staff from BAHA, with detailed information provides by staff on the roles and responsibilities of the CA related to health and food safety in the fisheries and aquaculture sectors. Key points arising included:

- BAHA and Ministry of Health are collaborating on issues relating to the establishment, implementation and enforcement of hygienic practices in the entire food chain

- A Memorandum of Understanding (MoU) was developed between MoH and BAHA regarding these procedures and responsibilities. Based on this agreement BAHA is responsible for official controls in the entire production chain of fisheries product for export. BAHA inspects fisheries production establishments for export, inlcuding high sea vessels, landing sites, processing plants and commercial aquaculture farms and issues health certificates for export of fisheries products.

- BAHA inspectors are designated for fisheries products and they o inspect processing facilities, high sea vessels and aquaculture sites. BAHA reviews HACCP plans for fisheries facilities

- There is a defined structure for the implementation of inspections and written procedures (inspection manual & check list) are available and used to carry out the inspections of the facilities. The CA has the power to take action in case of non-compliance with standards and carries out follow up of producers regarding the deficiencies noted and set deadlines for necessary corrective actions. The written inspection procedures are accessible to stakeholders and therefore transparent to all stakeholders

- A National Program for monitoring of residues of environmental contaminants in fisheries products for export (shrimp, conch, lobster, tilapia) is in place.

- A National Residue Control Plan is in place for aquaculture products and the residues/substances analysed, maximum limits & the sampling plan is in line with EU regulations. These analysis of residues of veterinary medicines and environmental contaminants in products from aquaculture are carried out by accredited laboratories in USA.

- The designated laboratory for official analysis of food in Belize is the Central Investigation Laboratory (CIL) and that the CIL carries out analyses on fishery products and water in the context of official controls. The laboratory is currently working towards accreditation against ISO 17025 standard.

Ministry of Foreign Trade

A meeting took place with Ms. Margaret Ventura & Mr. Richard Reid, policy officers in the Ministry responsible for EU Economic Partnership Agreements. Ms Ventura considered that fisheries SPS issues were essential as part of the overall EPA relationship, but that they were not highly visible in her office. There needed to be better coordination on EPA issues – it was noted that the TNINT / National Committee was intended to fulfil this type of coordinating function, and that the Ministry should be included in the composition. It was also noted that the EPA, the EPA negotiations and the overall EU relationship had a role to play in supporting fisheries SPS. CH noted that the current project was only a first step – much more capacity building was required, and that would require funding. These needs should be made visible in the EPA relationship.

National Consultation

Belize Biltmore Plaza Hotel. May 5, 2015

Brief welcome remarks by George Myvett (Meeting Chair).

Opening Remarks – Mr. Milton Haughton – Executive Director, Caribbean Regional Fisheries Mechanism

- Thanked EU for support
- Used Iceland as an example of the use of value chain approach to fisheries as a generator of wealth
- Noted the adoption of CCCFP and its long-term objectives
- Noted the importance of SPS for local consumption and from global perspective
- Outlined specific objectives of the wider project
- Noted that this is an important project if we are to meet the objective of creating wealth. SPS issues can be a major constraint if not up to standard since international trade is a very important aspect of fisheries development.
- Thanked participants for coming and look forward to vibrant discussions

Presentations

BAHA's Perspective on Current SPS Measures and On-going Initiatives

Presented by Dr. Miguel Figueroa – Director, Food Safety Belize Agricultural Health Authority (see presentation)

Biosecurity Legislative Framework for Belize

- Enabling legislation drafted in 1994
- Belize became a member of WTO 1995
- Act enacted in 1999
- First Review conducted in 2003 by Dr. Black (CanEd Consultations)
- Food Safety Regulations-updated version 2014
    - Food Safety Regulations SI no. 25 of 2001
    - Food Processing Plants (potable water) (Minimum Standards) Regulations SI no 24 of 2001
    - Biological Residues Control Regulations SI 183 of 2001
    - Fish and Fisheries Product (Inspection) Regulations SI no 173 of 2001
- Fish and Fisheries product Inspection Regulations
    - Part I: Citation, Interpretations
    - Part II: Import of Fishery Products; lays the requirements for import permit
    - Part III: Requirements for fishery products: section 8 requirements for compliance with food safety conditions and section 9 requirements for

annual approval of a fish processing establishment, freezer vessel or factory vessel.

- Part IV: Control on Fishery products. Section 13 performance of inspections and checks and certification.

- Fish and Fisheries product Regs
  - Schedule 1: Requirements for fishing vessels- Design and construction and hygiene requirements on board fishing vessels
  - Schedule 2: Requirements for freezer and factory vessels-Design and construction.
  - Schedule 3: Requirements for establishments-design and construction and hygiene requirements
  - Schedule 4: Transport of fishery products.
  - Schedule 5: Requirements for fishery products

- Schedule 5
  - A: Organoleptic properties
  - B: Total volatile Nitrogen
  - C: Parasites (visual inspection)
  - D: toxins (poisonous fish, ciguatoxins)
  - E: Environmental contaminants (Pb, Cd, Hg, Dioxins/PCBs
  - F: Microbiological standards (Lysteria, Salmonella, E. coli , Histamins etc.)
  - G: Additives
- Schedule 6
  - Sampling of Fishery Products.

Group Discussion: Stakeholder Inputs on the Process

Legislative and coordinating requirements for SPS in the Fisheries Sector

- Challenge of different standards accepted, from fishers/producers, by cooperatives especially as it relates to national legislation regarding legal sizes as compared to what is acceptable quality in the market
- Linkages between regulations on IUU fisheries and exportability of product to some markets (e.g. EU) need to be considered

- Belize exports are in keeping with requirements since local laws are consistent with EU guidelines/requirements (which are not always enunciated in their regulations).
- Standards related to fishing vessels may be considered for management/coordination at the regional level, especially in the context of US' Food Safety Modernisation Act (FSMA).
- Note that fish has been "ahead of the game" with a number of these requirements and so FSMA does not really affect the fisheries sector, at this time, since most of the issues under FSMA have already been covered in relation to the sector.
- Traceability issues need to be given more consideration
- Consider regional working group of fisheries (export) associations/cooperatives to discuss issues related to SPS and food safety issues in the fisheries sector.
- Need to consider/deal with the realities of non-compliance; also penalties for same.

Closing Remarks – Mr. Peter A. Murray – Programme Manager, Fisheries Management and Development, CRFM Secretariat

- Thanked people for coming
- Recalled words of ED regarding wealth generation and
- Pointed to Environmental Monitoring Consultancy, upcoming around 19th May
- Invited all to lunch

Meeting with Solicitor General's Office

A brief meeting took place with Mr Randall Sheppard, Legislative Drafting Officer (Drafting Unit, Solicitor General's Office). The current state of play of draft Bills in the SPS sector were discussed, and the process for developing and applying regional legislation. The proposed approach, as presented in the National Consultation, was considered a good one.

Haiti

1. A mission to Haiti took place from 7-9 May. The mission team comprised the Project Team Leader (Chris Hedley), the SPS Expert (George Grant) and CRFM Programme Manager (Peter Murray).

2. The following meetings and visits were organised:

- Meeting with Director of Fisheries
- Visit to processing plants (Caribbean seafood and La Filiere Congelee)
- National Consultation

Meeting Notes

Fisheries Division

A meeting took place in the Fisheries Division, with the Director of Fisheries, Mr Jean Robert Badio. Logistical arrangements were confirmed, and Mr Badio gave a presentation of the fisheries sector in Haiti and some of the issues facing it. It was noted that there were many issues facing the fisheries sector, and that meeting EU export requirements was a goal but a longer-term one.

Site visits

The team members were taken on site visits to the Caribbean Seafood and La Filliere Congelee facilities located in Port Au Prince. The facilities were basic but sound, but some way from being able to meet EU requirements, reflecting the level of investment and capacity-building required in the private sector. There was interest in developing future exports to the EU, but at the same time recognition that substantial additional support would be required for the sector.

National Consultation

Kinam Hotel, May 8, 2015

Opening Remarks

Mr Jean Robert Badio, Director of Fisheries and Aquaculture, Fisheries Department, welcomed participants to the meeting and briefly described/outlined reason of current activity. Welcoming remarks were provided by Dr. Michel Chancy, Secretary of State for Animal Production, Ministry of Agriculture, Natural Resources and Rural Development and by Peter Murray, CRFM Secretariat.

Dr Chancy noted the importance of fisheries sector for Haiti, in particular its potential for creation of wealth. This implies consideration of the value chain approach and makes the issue of sanitary standards central to the expansion of the contribution sector to national economies.

Introduction of the SPS Project and Present activities (C. Hedley)

- Overall objective; purpose; results to be achieved, outputs

- Snapshot of fisheries sector in Haiti
    - Families supported
    - Secondary employment
    - Overall production
        - Capture fisheries
        - Small beginnings of aquacultuure
    - Exports amount and value
    - Hope to understand from participants what are Visions for sector, e.g.
        - Develop aquaculture
        - Increase marine production
        - Meet local demand & reduce need for imports
        - Develop exports
- Why are we doing this?
- Where project fits in with overall need to improve food safety in fisheries
    - Accessing international markets – EU example
- Challenges related to Main SPS programme activities
    - The world is more food safety-conscious
    - Technical expertise and physical capacity
    - Management woes
    - Environmental concerns
- Emphasised that notwithstanding short-term notes, if long-term goals are to be met there is need for in-country framework
    - Consultancy seeks to assist in developing this framework
- Approach to consultancy including anticipated timeline
    - Consultative process
    - Key actions with timetable
    - Meeting objectives
        - Issues/ concern/needs in Haiti
        - Challenges in selling fish locally or internationally
        - What support is needed

- What are ambitions

A number of comments were raised by participants. The importance of trying to raise standards in SPS was recognized, but it was also acknowledged that of the industry was a long way from being able to achieve international export standards, such as those of the EU. What was required was for much stronger guidance on what was required to achieve export status ("someone to come and sit with us at our facility and tell us what we need to do to export") and help in providing the financing, infrastructure and capacity-building. Measures needed to be taken to enable access to credit.

It was explained that the current activity seeks to help in developing the framework that will facilitate these needs – it was a first step.

A further comment by Toussaint (coordinator sanitary protection unit): Important to have coordination of SPS activities to reduce duplication, while you are talking about capacity in ACP, in a few weeks (18 May) a workshop on this subject is planned with technical and financial support from USDA. Ask for representatives from private sector to attend.

Two presentations from local experts were provided: **presentation on Lobster Fisheries in Haiti** (Jean Robert Badio); **presentation on SPS in Haitian fisheries** (Dr. Max Millien). Among the key points arising from these presentations were:

- Haiti has a large but disorganized fishing industry, which is vital to the country in terms of food security and employment.
- Fishing operations are primarily artisanal in nature;
- There are over 50,000 fisher folk, mainly in some 21 associations and utilizing hundreds (5-6,000) of artisanal-type fishing vessels (canoes);
- The country currently produces approx. 50,000 tonnes of marine and some 25,000 tonnes aquaculture products annually ;
- Exports of fishery products are limited and go mainly to the USA and Japan, usually exported via Dominican Republic;
- Not currently EU- approved (exported to the EU up until to 1989);
- Sea cumbers , lobsters and some migratory species make up the main exports;
- Aquaculture production being stressed for small scale fishers, but industry needs much more support;
- There was a recently updated draft of the Fisheries Act, but new legislation for fisheries, aquaculture and fish exports is required.
- No fish health or laboratory support programme (new lab built but not operational), along with general infrastructural limitations;
- Urgent need for fisher folk training but problem with resistance to change due to in-grained culture;
- Organizational. legislative and SPS systems lacking in implementation and monitoring capacities and poorly enforced due to inadequate monitoring systems / surveillance systems;
- An estimated 40%of products under go spoilage due to post-harvest mishandling.

The presentations generated spirited discussions as to the serious challenges and issues facing the country and a possible way forward. Haiti's inability to be in compliance with acceptable minimum acceptable standards of food safety was re-emphasized by some participants .There was a general eagerness for the country to find a way forward to achieve the desired levels of compliance to stimulate trading activities .

The final component of this consultation dealt with an over view and summarization of Haiti's current SPS status aimed at pointing to the way forward.

Dominican Republic

1. A mission to The Dominican Republic took place from 11-13 May. The mission team comprised the Project Team Leader (Chris Hedley), SPS Expert (George Grant) and CRFM Programme Manager (Peter Murray).

2. The following meetings and visits were organised:

- CODOPESCA (Fisheries Division/Agency)
- the National SPS Committee (Comité National de las Medidas Sanitarias y Fitosanitarias (CNMSF))
- Dirección General de Ganadería (DIGEGA)
- Department of Agrifood Safety

3. A well-attended national consultation was organized on 13 May.

Meeting Notes

CODOPESCA

Ministry of Agriculture, 11 May

Attendees:

- Chris Hedley (Legal KE & Team Leader), Pater Murray (CRFM Sec)
- Mr. Milton Ginebra, Executive Director, CODOPESCA;
- Jeannette Mateo (Director of Marine Resources);
- Rodolfo Herasme, Consultor Jurídico
- José Infante, Enc. Pesca de Captura
- Raúl González, Enc. Regulación Pesquera
- Eligio Mateo, Enc. Estación Santo Domingo
- Julio Cesar Tejeda Soto, Enc. Estación Baní
- Héctor De La Cruz, Técnico
- Tarsis Alcántara, Técnico
- Marcia Beltré, Técnico
- Idelfonso De Los Ángeles, Técnico
- Ángela González, Abogada

Introductory remarks were provided by Jeannette Mateo (Director of Marine Resources). An introduction and background to the consultancy and the activities carried out in DR was provided by Chris Hedley. There followed expansive discussions; the main points arising being:

- Executive Director thanked everyone especially team for coming and apologised for being late, noting that this was due to his having a medical appointment. Thought presence of team is very important and will serve DR well. Wants team to ensure that recommendations are well based on sound technical advice. Has to depart for another appointment but will be with team for a short time tomorrow.

- draft policy (in Spanish) prepared by ACP FISH II project also draft regulations for SPS, related to fisheries products done in conjunction with Min of Health (in Spanish)

- Concern whether MS would be obliged to utilise the models – assured that this is not the case and Countries would be free to utilise as they see fit, whichever aspects/parts they consider relevant

- Concern that the fisheries component links with the wider project being coordinated by IICA. Disabused of that

- Concern that standards (for EU) may be (too) high to be effectively managed

- Noted, however, that while EU may currently be the biggest challenge to meet standards, other countries may in the coming years adhere to similar standards as EU.

- Aquaculture is primarily done at the community level rather than “commercial” for export. Export from the latter go mainly to US. There are some problems with exports from the capture fisheries because there are no standards or difficult to manage given that the fleets are small scale and mainly artisanal; thus posing problems with sanitary and quality control.

- No single reference/certified laboratory but have a number that are certified for individual tests. Been working on the possibility of a single lab but too expensive. Considering use of local veterinary lab which is certified for a number of tests, though not overall. May be worth considering the development of (sub-)regional provision of certified services. A good start would be to establish good practices at the primary (fish landing and/or farm) level. Italian funded project did not given Fisheries a report on the status of labs this was given directly to the labs

- Only exports to EU are a problem at this time: the view appears to be that there is need for Fisheries to become competent authority, pointed out that Fisheries does not necessarily have to be competent authority for all things, once the legislation speaks to the issue in some way

- Collaborating with Public Health and they are giving Fisheries authority to inspect on behalf of Public Health for fishery products; also working with National CODEX committee to adapt (species specific) standards to DR reality. Six or seven draft standards for fisheries inspection are almost ready for publication/promulgation. E-copies to be provided later today or tomorrow.

- Two companies are exporting small amounts of lobster and parrotfish to the US (HACCP compliant) and a few Caribbean countries.

- No residue monitoring for aquaculture.

- While fisheries legislation has no specific SPS mention, currently regulations are being developed on how to interpret the fisheries law and this will speak to SPS issues as part of application of fisheries law.

- Currently Fisheries has to approve export of fishery products; what is done operationally is that Fisheries will not give this approval unless the exporter shows that Animal Health division of Ministry of Agriculture has given written (by the head) approval.

Identification of key stakeholders and institutions

- No objection to indicative stakeholder map
- CODEPESCA
- Public Health
- Animal Health
- Agriculture Commercial Department
- INDOCAL (standards agency also responsible for CODEX)
- Customs
- Environment Department (some of fisheries production may take place in protected areas)
- In theory, a number of agencies are part of the management council of CODEPESCA but this is often not practically implemented though good relations obtain at the directorial level

CNMSF

Ministry of Agriculture, 11 May

Meeting with the National SPS Committee (Comité National de las Medidas Sanitarias y Fitosanitarias (CNMSF))

Attendees:

- Chris Hedley (Legal KE & Team Leader)
- Pater Murray (CRFM Secretariat)
- Eriberto Joel Tejada, Agricultural Trade Analyst, CNMSF
- Merianny González, Agricultural Trade Analyst, CNMSF
- Tarsis Alcántara, Técnico, CODOPESCA

Thoughts on coordinating requirements for SPS in the fisheries sector

- Department is focal point for WTO
    - Shares information related to: measures that other countries have taken affecting trade; working group documents; notifications from other countries; schedule of activities that the committee or its in which members may be participating; changing requirements of EU; search for notifications that may impact and share with members to determine/discuss/obtain opinions on how these may impact.
- Works with WTO SPS agreement, but also work on national issues as they relate to import/export with all countries

- Challenges regarding products:
    - Need to make regulations that speak to sanitary issues
    - Ongoing projects are not yet completed in that they have been notified to WTO but they are not yet “official”
    - Committee studies the documents and also open for public comment
    - Committee (created by Presidential decree) meets three times a year but may meet more frequently as required
        - See www.cnmsf.gob.do

- Also involved in negotiations of trade agreements
    - Including indirectly deals with inter-national (regional) trade agreements, though is this is mainly the purview of the department of trade negotiations
- See key challenges for fisheries export as:
    - Produce more
    - Improve sanitary standards
    - Need to be more competitive
        - Need to improve quality and quantity of product

Dirección General de Ganadería (DIGEGA)

Meeting with Dirección General de Ganadería (DIGEGA - Directorate General of Animal Husbandry)

Attendees:

- Chris Hedley (Legal KE & Team Leader), Peter Murrary (CRFM Sec), accompanied by Tarsis Alcántara, Técnico, CODOPESCA
- Jeannette Lizardo, Head, Risk Analysis Team, Division of Normative and Risk Analysis
- Farailda Troncosa, Risk Analysis Team, Division of Normative and Risk Analysis

Thoughts on coordinating requirements for SPS in the fisheries sector

- Department handles risk analysis for agriculture products
    - Primarily imported food (feed)
        - Including feeds (composition) for aquaculture
    - Specifically look at diseases in other animals (cows and pigs) imported or exported
    - No plans to expand to fisheries products at this time

- Most of the work done on fisheries products would be done in collaboration with CODOPESCA
- Coordination is currently informal and is case specific
- Expertise and equipment that may be required for such an expansion doesn't exist locally depending on the test required. This would have to be determined on a test by test and lab by lab basis
- Head of DIGEGA is current chair of CNMSF (Comité National de las Medidas Sanitarias y Fitosanitarias). This is rotated every two years.

Department of Agrifood Safety

Meeting with Director, Department of Agrifood Safety

Attendees:

- Chris Hedley (Legal KE & Team Leader), Peter Murray (CRFM Secretariat), accompanied by Jeannette Mateo (Director of Marine Resources; also served as interpreter);
- Raúl Peralta Girón, Director, Departamento de Inocuidad Agroalimentaria
- Raúl González, Enc. Regulación Pesquera

Director's thoughts on legislative and coordinating requirements for SPS in the fisheries sector

- Department has responsibility for all agrifood except fish and fishery products
- Most problems are with fisheries which are inherent in the fiheries management system
    - Greatest need is for infrastructure and efficient inspectorate at all stages of the value chain
- The Ministry's lab cannot handle a number of the tests required for fisheries sanitary and health standards
- New fisheries-related regulations may be ready in 2016
- Most notable activity related to export of product to the EU is the testing of pesticide residues by gas chromatography for the export of honey
    - Samples sent to Germany for testing; results return in one week at a cost of €106 per test
    - The rate determining step is the time taken for samples to be transported to Germany
    - The tests cannot be done anywhere in the Caribbean except (possibly in El Salvador and) the US, but the tests are done in Germany because the export market is the EU

- Now need traceability and HACCP plans for processing of aquaculture products in addition fo ra plan for residual monitoring (note: this may be cross referenced to the consultancy on environmental monitoring)
- For export to the US only HACCPis needed whereas for the EU, HACCP, traceability and residual monitoring are (among) the tests required
- D has 4 laboratories that do some level of testing but it is cheaper to send samples o Geremany because the economies of scale, which that country has makes it cheaper as it is relatively costly to acquire and maintain accreditation by laboratories in the region
    - A regional/nationl lab would need to have the capacity toprocess 4000-5000 samples per year
        - Even the USFDA does only ~800 samples per year
        - Noted that Customs now has a new lab but it is not sure what tests they have the capacity to do
- Accreditation of control authorities are probably better done at the regional level, especially given the new US FSMA
    - From 2016 the US FDA will allow third party institutions to provide accreditation on its behalf
        - IICA is currently doing training for food inspectors and it is anticipated that when this is done, they will provide training for auditors consistent with FSMA

Most EU inspectors are ISO 9020 certified and they often query whether local inspectors carry that same certification, suggesting that if not they cannot carry out their functions effectively

National Consultation

BQ Hotel, Santo Domingo, 13 MAY 2015

Introductory remarks were provided by Mr. Milton Ginebra (Executive Director, CODOPESCA), Jeannette Mateo (Director of Marine Resources) and Peter Murray (CRFM Secretariat) and Mr. Gabrio Morinuzzi, Representative of the European Delegation in Dominican Republic.

- Greetings on behalf of ED and DED
- Thanked participants for coming
- Noted importance of programme in creating wealth and wellbeing for peoples of the Caribbean
- Thanked EU and IICA for their roles
- Thanked CODOPESCA for their coordinating role
- Noted the presence of Experts CH and GG and asked participants to take this opportunity to share thoughts with experts to maximise utility of this consultation

An introduction and background to the consultancy and the activities carried out in DR was provided by Chris Hedley. The presentation also provided some initial observations of the situation in DR:

- Fisheries in D.R.
    - annual production 15-24,000 t (capture fisheries)
    - small aquaculture sector – c. 1,000 t
    - some export trade (c. 20%)
    - substantial fish imports (75-80% consumption)
- Fisheries policy in D.R
    - Goal of National Fisheries Policy
        - To maximise the sustainable economic contribution of the fishery sector to the National Economy from the full use of available marine and inland water resources
            - The fisheries sector is defined as all fishery related activities including marketing, processing and ancillary services.
    - Vision of National Fisheries Policy
        - establish a sustainable system of fishing and aquaculture based on the principles and norms of the Code of Conduct for Responsible Fishing
        - maximize the long term economic return from the use of the Republic's water resources to the benefit of fishers, their families and their communities
    - Fisheries trade / SPS policy in D.R
        - Recognizes that losses in quantity and quality stemming from poor on-board and post-harvest practices reduce market value and create barriers to accessing export markets.
        - Recognizes that the introduction of relevant standards of hygiene and processing practices supported by a monitoring system will improve market possibilities
        - Promotes good handling practices and HACCP procedures
        - Development of CODOPESCA into a fully functional "competent authority"
        - Need to promote availability of food safety laboratories with ISO certification and accredited according to international standards

Discussion on fisheries and aquaculture health legislation guidelines and coordination

- Exporter 1: Exporting to US is relatively easy; for Europe it will be really interesting since the conditions are more challenging. Licence from CODOPESCA has been ongoing for a while, but recent changes have not been explained. CODOPESCA apologised noting that the change has come in an attempt to be in keeping with the spirit of international law, of which (apparently) the current regime is considered to have been in contradiction.
    - In response it was noted that depending of conditionalities of import/export other agencies have to certify and so it is not just a matter of CODOPESCA
- It was explained that in other countries the system is a little different than in DR: in some cases the Department of Public Health has to certify food safety while Ministry of Agriculture c deals with primary production. In DR Ministry of Agriculture deals with primary level and Pub Health deals with export certification. This situation also obtains with honey. Pub Health does not have capacity to do all that is required to certify for exports; but it is a matter of trust that their certificate will not let the country down.
- Some countries require certificate from Department of Environmental Health of the Ministry of Health ,while some require it from Department of Animal Health in the Ministry of Agriculture. This causes confusion in DR.
- Exporter 2: Not sure how DR is trying to standardise when the necessary processes are not clear. Every Director has his/her own policy on how to do things. There is need for a clear protocol on how should be done since exporters have to do different things each time they want to export. Need to build a string national platform, but it is not cleat how to do this given the constant changes in requirements, policies and challenges. Appears that we need to first develop national coordination.
- Chris: “single window approach” is advised
- Exporter 1: Institutional change stake place too fast at times; single window would be a good thing
- Exporter 2 gave example of recent instance here he had to go to foreign affairs to certify that the health Certificate from Public Health was genuine, having been told that he had to go to Pub Health at his cost. He noted that the problem is an internal one to DR.
    - Response that some countries have that requirement becasu in some cases certificates have been forged
- Suggestion that CODOPESCA should be the “single window” in liaison with Min of the Environment.
- To be fair, in the case of aquaculture the requirements are less; so the ToRs for aquaculture are less difficult to meet
- OTCA question: is part of the project national legislation as well? Will this consultancy deal with this and implemented through CRFM?
    - Response: project will produce models and will provide recommendations that MAY lead to harmonisation of procedures; it will be for the countries

themselves to take forward if they wish. PAM emphasised that while CRFM has responsibility for implementing fisheries components of the project, any regional coordination arrangements later will have to be determined by the Countries

- Payment of tax may be an issue if "single window" approach is used; also Pub Health requirement of certificate from CODOPESCA first.

- CH: related to need for Foreign Affairs to authenticate document, who is falsifying the documents: exporters of public servants?

    - It can take place both places; usually the exporter/importer. Sometimes it is not falsification; just that the person tries to avoid the procedures to avoid payment of requisite fees.

    - CH: it may be a waste of time with tis extra step so MoU with For Affs may be necessary to operationalise how this can best be dealt with. Single window approach may require rearranging how things are done currently.

    - Exporter 2: we do not have a standard protocol to say what is in place and has to be done; that could be taken. Small # of Chinese buy product straight at source and put in a container and ship to China

- IICA: doubt expressed that outputs of this project will really help facilitate export to EU. Not sure what is the mechanism to be used after this workshop to allow to start exporting to EU

    - CH/GG: reiterated that a number of things have to be put in place in DR, e.g. regulations and other support structures (c.f. slide 13 of presentation); especially application of official controls. Technical standards only need to be met for specific export products to specific importing country.

- Exporter 3: We cannot put in place regulations to please one country but our philosophy should be to comply with international standards. How can models apply to 15/16 countries especially since currently here are conflicts between countries participating in this project.

    - CH: no one is saying that national policy HAS to follow standards of EU; that is a national decision as to what standards are set; however if the products have to go to the EU those standards will have to be met, noting that EU is the world's biggest importer of fish and pays the highest price

    - IICA: In case of US he can get an international agency to certify, but for EU it has to be an EU agency to certify

    - GG: EU standard is highest and so if you can comply with that, you can satisfy all others

    - Exporter 1: how come some countries (e.g. from Africa) do not comply but export to EU

    - CH: these countries do not keep their status and are delisted from time to time

- RG: in case of WTO there are rules that are not that strong but to export EU they are still required to meet EU standards
- CH: project does not focus on E, but advising that in future years controls in other countries will become stronger and harder (c.f. FSMA of US) so it is best to put things in place (early) to anticipate this.

- Dept. of Agrifood Safety also EU has "split system" where some producers can export but they will have in place a traceability system but this has to be certified by a lab in a third state and the legislative framework must be in place
  - GG: this must be well documented
- CH: cooperation in SPS can help in two ways (a) generally helps to diffuse problems (re: conflicts between countries participating in this project) (b) IUU fishing is an issue for export to EU
- IICA: does product from aquaculture be penalised by EU if IUU takes place by vessels of same country?
  - It depends in a number of instances, from product to product; since the country as a whole is considered, but it may be a long diplomatic process.
- GG: DR need to give up hope about meeting EU list because 5 small MS in the Caribbean have done so, and DR meets requirements for honey so DR is ahead.
- Other points raised during the consultation included:
- *DR has an apparently huge fishing industry of major significance to the country's economy and particular artisanal operators;*
- *Non compliance of SPS system with acceptable international standards ;*
- *Infrastructural in adequacies;*
- *Deficiencies in legislative underpinning and enforcement ;*
- *Inadequacy of monitoring and surveillance systems;.*
- *HACCP plan and Prerequisite programmes not well implemented;*
- *DR not on the EU Approved Third Country List for the export of fishery products to the EU.*
- *DR exports to USA and some CARICOM countries*
- *Strong desire to meet export compliance*

Trinidad and Tobago

1. The mission visit to Trinidad & Tobago was undertaken on 25 and 26 May 2015. The visiting team members included Legal Consultant and Team leader Chris Hedley and Dr. George Grant, SPS Consultant .

2. The following meetings were organized:

    a. Inception meeting with the Director of Fisheries

    b. Fisheries Division (technical staff)

    c. TNINT

3. A well attended national consultation was organized on 25 May, at the Radisson Hotel, Port of Spain.

Meeting Notes

Inception meeting

4. An inception meeting took place between Mr Hedley (KE1, Team Leader) and Mrs Chan A Singh (Director of Fisheries) to outline the purposes and objectives of the mission, and to identify some of the key issues for the sector in TT. It was noted in particular that while TT had greater financial and infrastructural resources than some countries, it was still some way from being EU-export ready and was hampered in particular by out-dated legislation.

National Consultation

5. The meeting was opened by Mr. Sookram Ali, Ministry of Land and Marine Resources (MLMR).

6. Opening remarks were delivered by Mrs Christine Chan A Shing, Director of Fisheries. Apologies were given on behalf of the Minister, Hon. Jairam Seemungal who had been called to other urgent business. Mrs Chan A Shing noted the wide participation in the meeting, observing that this reflected the importance attached to fisheries SPS by many in the sector.

7. Ms Kathrin Renner, International Cooperation Officer from the EU Delegation to Trinidad and Tobago (TT) thanked IICA and the Ministry for their work in organising the meeting. She recalled that the programme had a background in EPA negotiations, and was aimed at strengthening and harmonising regional SPS systems. This involved in the first place addressing national SPS systems, and looking to grow the potential to export to foreign markets. The EU is pleased to support the consultation and the programme.

8. Mr Greg Rawlins, IICA Representative for TT, wished to recognise all of the stakeholders who had chosen to participate in this important meeting, noting that

IICA was extremely pleased to partner with the MLMR in implementing this important project. Strengthening SPS was critical for attaining regional food security and safety goals. Key challenges that had to be overcome included weak institutional framework, limited coordination and limited capacity of public and private sector stakeholders to respond to fisheries SPS challenges. It needed to be recognized that the fisheries sub-sector offered potential for export income development, and that there was much to be gained by increasing standards and increasing access to important international markets.

9. Mrs Christine Chan A Shing delivered comments on behalf of the CRFM Secretariat and the Fisheries Department. A statement was read out on behalf of the CRFM Executive Director, Mr Milton Haughton.

10. Mrs Chan A Shing also thanked the media for their interest, and noted the need to get the message out to industry and the community at large of the importance of food safety and noted that the role of the media in facilitating this was vital.

11. Mr. Sookram Ali closed the opening ceremony, noting some of the recent achievements of the MLMR.

12. Several presentations were then given: the project (Chris Hedley); Fisheries Department (Christine Chan A Singh; Sarika Maharaj); and the Ministry of Health. Some of the key points arising from these presentations are as follows.

Sector challenges (Christine Chan a Singh)

- In Trinidad and Tobago most fishers operate from small open fiberglass/wooden vessels and land catches at facilities and sometimes convenient locations with either no or inadequate infrastructure. Although among the private sector a number of operators have invested in ensuring their plants are HACCP compliant they represent about 3 to 4% of the sector.

- The sector faces a number of SPS challenges:

    - vessels - maintaining ambient temperature, gutting fish, routine and regularcleaning of vessels

    - Landing sites - water and ice supply, chill storage facility, gutting fish on the beach or jetty

    - Transportation - no ice, open transportation

    - Retail market - general conditions unsatisfactory

    - Few fish processing establishments are HACCP compliant

    - Environmental health management risks

    - Testing Laboratory - capacity and accreditation issues

- The Challenges that arise are:

- products that are unacceptable to local international health and food safety standards
- SPS framework that is inadequate to suit the specific needs of fisheries and aquaculture operations;
- increasing barriers in trade of fish and fisheries products (EU and emerging US and Canada);
- need to strengthen legislation, institutional and laboratory infrastructure that are important support structures necessary to improve SPS;
- greater promotion of SPS to alter cultural views of healthy fish in Trinidad and Tobago
- need to coordinate and/or consolidate the responsibility for the inspection of, fishing vessels, landing facilities, processing plants transport vehicles and fish markets ;
- need to buffer the impacts of global environmental changes including climate change, for which improved management and monitoring of the natural environment sustaining fisheries and aquaculture production must play a vital part.

Aquaculture (Christine Chan a Shing)

- Currently, no legislation, policy or guidelines for the growing aquaculture sector. The Fish and Fishery Products Regulations does not make provision for aquaculture or aquaponic processes.
- A Draft Aquaculture Policy exists but requires updating due to the dynamic nature of this sector. Ministry of Food Production seeking to finalise and implement the policy.
- Some SPS guidelines eg for transport vehicles and processing establishments amy be common to the marine fisheries Sector, but culture systems, post harvest handling and chemical testing guidelines specific to aquaculture are needed.
- Consideration be given to address the use of chemical and antibiotics throughout the production chain from hatcheries to brood stock and food fish. A list of approved and unapproved chemicals should be generated.
- Animal health monitoring and farm certification requisites should also be developed.
- Rules on Post Harvest Handling methods with implications for food safety.
- Bio-security protocols and prevention of disease and potential aquatic Alien Invasive Species (AIS) spread.

Institutional coordination (Christine Chan a Shing)

- Responsibility for full implementation of SPS standards spread across numerous agencies of government and the private sector
- Critical inter agency coordination needs to be strengthened as well as networking with the private sector.
- Roles of the pertinent agencies need to be clearly defined and appropriate formal frameworks established.
- There needs to be greater promotion of SPS measures and collaboration among agencies and the private sector to reach a wide cross section of direct stakeholders and the wider society.

Food safety legislation (Ministry of Health)

- A detailed overview of the Food and Drugs Act was provided. It was observed that it was not until the late 1990s that – driven by the need to meet EU requirements – legislation was considered in the field of fisheries SPS.
- Current legislation covers vessel requirements, transportation (from landing to processing plant to consumer), certifying of establishments, food handling (inc. HACCP) and inspections. The regulations also speak about import and export licences, including controls on licences (revocation, suspension, inspection, etc.).
- The changes were all designed to facilitate access to the EU market, based on feedback from industry that they wanted to maintain access to this important market. The legislation incorporates a range of international standards, including HACCP, Codex and other international trade partners, inc. USA and Canada.
- Since 1998, have not been able to export anything to the EU. Key challenges have included monitoring standards on fishing vessels and enabling proper

Other legislation (Sarika Maharaj, MLMR Fish Inspection/MCS Unit)

- A review of other legislation supporting SPS control was provided. Key points included:

    - **Municipal Corporation Act Ch. 25:04**

1. Vending only in specified areas designated as a public market
2. No vending outside of these areas e.g. roadside vending
3. Licence required for sale of fish in markets
4. Registration of landing sites for vending of fish
5. Such landing sites to be published in the Gazette

    - **Public Health Ordinance Ch. 12 No. 4**

1. Sale of Oysters and other Shell Fish
    - Require licence to sell in any urban district
    - Allows for drafting of regulations for transport, storage and sale
2. Unsound Food
    - An Inspector may enter any premises & public place and inspect and examine:

(a) Any food which is sold or exposed for sale or deposited in any place for sale

(b) Any live or dead animal intended for food which is sold or exposed for sale

    - Inspector may seize any unsound food which may be unfit for human intake

3. Shops where Food is Retailed

Registered persons required to carry and exhibit badge of registration

- **The Quarantine Act Chapter 28:05**

1. Does not specifically address importation and sale of fish and fish products
2. Controls entry of infectious diseases to T&T through ports
3. Addresses the quarantine of ships, persons on board the ships and any food, water, ballast and animals on board a ship suspected of being infected (plague, cholera, yellow fever, typhus and small pox)
4. Sanitation of ships arriving into the ports of Trinidad and Tobago
    - International Sanitary Convention addresses treatment of any suspected ship or persons with cholera as well as any cargo loaded on those ships which may include fish and fish products.

- **The Animals (Diseases and Importation) Act Chapter 67:02**

1. "Animal" defined as all animals of whatsoever kind

2. Provides for the making of Regulations for e.g.:
    - notification to the public of infected or infested places
    - treatment, disinfecting, destruction, burial, disposal of anything from an infected place
    - movement, isolation, segregation, examination, treatment, slaughter, destruction, disposal, burial, seizure, detention and exposure for sale of diseased, suspected or infested animals
    - cleansing, disinfecting and examination of places and vessels used by, and vehicles used for the transport of animals, and of markets and other places used in connection with animals

- Section 15 provides a measure of control with respect to the importation of any animal which may be prone to disease
    - The Minister may, for the purpose of preventing the introduction or spread of any disease or infestation into Trinidad and Tobago, make Regulations prohibiting, restricting, controlling or regulating the **importation or landing of animals**

Discussions

- Comments from – Ocean Seafoods
    - Considered project to be a "great step forward".
    - Have been locked out of EU market for 17 years. It is not that business has not been able to take the necessary action, there are the technical skills and know-how – prepared to work with MoH, but sector needs new legislation.
    - There is confusion over how is the competent authority. The EU need one competent authority.
    - Reponse from MoH: *Chem., Food and Drugs is CA.*
- Current fisheries Act does not address SPS. Fisheries Management Bill, 2015 – does address SPS, but not yet presented to CPC
    - provides for designation of ports, development of regulations, moves fisheries sector to licensed control
- Comments from MoH
    - definition of animal does not apply to Health – s. 15 does not apply to fish
    - Govt is reviewing Public Health Ordinance, and decision has been taken not to make any more amendments until a replacement is introduced.
    - Government recognizes the need to support business more.
- Various stakeholders pointed to enforcement problems – imports were not being controlled, and national food safety controls were not well and/or consistently enforced
- Small scale fisher associations (Tobago) – problems of protecting small scale fishers; need to start at the bottom and work up; risk of small-scale fishers being forced out if they don't meet safety standards; should be focussing on education, training, capacity-building for small-scale fishers.

Meeting closed by CCAS. Thanks were given for the fruitful discussions.

Fisheries Division – Technical Staff

13. This meeting was presented by the Director of Fisheries Division, Mrs. Christine Chan A Singh, and senior technical officers of the Division. Also, in attendance was the IICA Country Representative Mr. Gregg Rawlins, who welcomed the Team members and the staff personnel present.

14. A brief review of the aim, objectives ,rationale of and strategies to achieve the deliverables of the consultancy was given by Mr. Hedley, followed by a review of the current roles and status of the Fisheries Division by its Director and accompanying staff members.

15. The staff pointed to the continued importance of the fisheries sector, which although small was making considerable contributions to the country in terms of employment and food security. However it was acknowledged that there were several factors militating against the growth and competiveness of the sector such as limited human and financial resources in the public sector, and lack of investment and IUU fishing in the industry. Lack of import-led growth, in part due to SPS challenges, was also a factor.

16. In addition, the following issues were captured:

- The Ministry of Health (Food & Drugs) was the designated competent authority (CA) for Food Safety including fish;
- Trinidad and Tobago was not an EU-Approved country for the export of fishery products to the EU – it had lost this status some time ago, and legislation to meet the requirements was still under consideration.
- The export of fishery products was currently low;
- There was an active National, Agricultural, Health and Food Safety Committee.
- Rationalization of vessel landing sites to improve the inspection activities was one of the key needs for improving the effectiveness of the SPS system in TT.
- Additionally, the regulations required “teeth” for enforcement and the monitoring and regulatory systems required significant improvement.
- Other challenges included fisher’s participation, improved skill sets ,training for compliance with basic food safety measures, training of the trainer.
- A new agency for laboratory accreditation was established in Trinidad and Tobago.

TNINT

17. During the TNINT meeting, CH reiterated the overall aim of the consultancy, and also outlined the proposed approach of the consultants. The approach – including the idea of a regional framework that could be “adopted” at national level was welcomed.

18. Among the challenges discussed were the issues of governance and co-ordination re the multiplicity of agencies , legislation, and Government ministries impacting food safety. The meeting was reminded that the concept of the NAHFSAS was to bridge this particular gap.

19. Other issues raised and their corresponding challenges were those of the zoning of fish harvesting areas for traceability, issues of product sampling ,the stringency of regulations such as those of the EU directives for product safety compliance and the achievement of transparency, equivalence .

20. In all of these discussions ,references were made to the creating of CARIFORUM regional mechanisms to give effect to greater trade competitiveness not only at the global market place but the regional one as well.

De-Briefing with Fisheries Department

21. Participants: Chris Hedley, George Grant, Christine Chan A Singh, Sarika Maharaj, Harnarine Lalla, Jenise Kirk, Recardo Mieux, Louanna Martin.

22. A lively discussion on the results of the mission and the future needs of the fisheries sector in TT took place. Key points that emerged included:

- Need to define Fisheries Department role in SPS. Stakeholders would prefer to deal with us, although sometimes that can result in compromises in relationships.
- Consideration should be given to whether fisheries officers can be delegated under health regulations to carry out at least some of the assessments.
- SM: should be collecting information and data – helping / advising stakeholders and other agencies.
- GG – the approach taken in Jamaica was to develop institutional MOUs between concerned agencies to clarify responsibilities and coordination.
- Challenges of applying to local fishers – they wonder about relevance of EU standards, need to be careful how that is presented. Sometimes there are literacy challenges.
- When upgrading mandatory requirements, need a period of sensitizing fishers before made mandatory.

Saint Vincent and the Grenadines

1. The mission visit was undertaken on 28 and 29 May 2015. The mission team comprised Mr. Chris Hedley, Team Leader and Legal Consultant, Dr. George Grant, SPS Consultant, and Dr Susan Singh-Renton, Deputy Executive Director of the CRFM.

2. The following meetings were organized:

    a. Meeting with the Fisheries Division

    b. Site visits to the National Fish Market and a local food processing facility.

    c. Meeting with the TNINT.

3. A national consultation with key stakeholders took place on 29 May.

Meeting Notes

Meeting with Fisheries Division

At this meeting, chaired by Dr. Lucille Grant (CFO),the participants were briefed on the overall CRFM/IICA Programme with the Deputy Director of the CRFM ,Dr. Susan Singh –Renton pointing to the fact that the Legislative and SPS Consultancy dealt with only one of four components of the overall project but that in fact they were all linked and aimed at strengthening the capacities of CARIFORUM member states to access the global market for fishery products.

Following this, presentations were made by (a) the Consultant Team Leader, Mr. Chris Hedley, who briefed the participants re the rationale, aim and expected deliveries of the consultancy and the need for stakeholders feed back to inform the consultancy; and (b) the Chief Fisheries Officer which gave an update of the current SPS /legislative status of the Fisheries Sector.

Some of the important points re the challenges and limitations faced, as well as, the existing opportunities to change course were identified as follows:

- Importance of the Fishery Sector to the country's economy (supplying approx 55% of agricultures' contribution to national GDP).
- Non approval of SV/G as an EU export listed country. (Access to EU denied since 2000)
- The country still is preparing for EU approval, but is hampered by inadequacy of resources to undertake acceptable levels of SPS measures, inadequacy / difficulties of monitoring and enforcement systems, lack of laboratory support services and lack of legislative enforcement capacity.
- Fisheries Division now responsible for management and inspection of the Fishing Industry and recently fish public health . The latter through an official MOU between the Ministries of Health and Agriculture.

- A Procedural Manual for Official fishery product controls is in place, but is inconsistently applied and monitored. There is a lack of full implementation of HACCP and Prerequisite programmes.
- Questions on the comparative costs of SPS implementation (disillusionment re 15 year lapse since EU access)
- Complaints re retooling of facilities due to lack of access to capital/burdensome interest rates.
- Lack of regional coordination /difficulties in intra Member country trading/transportation woes
- Country trying to make good deficiencies pointed out in EU last inspection evaluation report.

TNINT Meeting

The visiting consultants once again gave a brief review of the consultancy in terms of its aim and expected outcomes through the Legislative and SPS Capacity strengthening of CARIFORUM member states and the development of mechanisms for regional coordination and governance.

This was in addition to the rationale for the mission visit that of getting key participants response and feedback which will serve to inform the under taking of this component of a larger CRFM project.

Similarly Dr. Singh-Renton in her capacity of Deputy Director of the CRFM gave a synopsis of the other programme components and spoke to the linkages of all four components which are aimed at putting CARIFORUM member states in a superior position to access and maintain a presence in the global market place by being compliant with acceptable international standards of quality and safety of fishery products to the consuming publics.

Through discussions a specific factors were identified as to the current management, governance and attempts at enforcement of SPS measures in the St Vincent and the Grenadines.

Some of the topics highlighted were:

- Multiplicity of agencies impacting food safety.
- Myriad of legislative pieces impacting food safety.
- Resources limitation
- Attempts at coordination via NAHFS Committee
- Deficiencies in governing regulations
- Need for more documentation of actual protocols and procedures in use .

- Need for improved Laboratory resource system via utilization of a combined approach to existing laboratory utilization both nationally and regionally (S o-called centre of excellence to be explored)
- Increased training of specialist personnel to man the system.
- Updating of legislation to achieve greater compliance and enforcement

National Stakeholders Consultation Workshop/Meeting

The National Stakeholders Consultation was held at the Fisheries Division Conference Room in Kingstown. The meeting saw a broad spectrum of operators in the Fishing Industry in attendance which include representatives from the Marine Police/Coast Guard Units. They were joined by several of the technical personnel from the official Fisheries Services.

The first presentation was that given by Mr. Chris Hedley Legal consultant and Team Leader who gave an introduction to the aims objectives, strategies expected deliverables / outcomes of the consultancy and rationale for the country visit as well as the need for feedback from the participants.

This was followed by presentations from the Chief Fisheries Officer who reported on the current status of the Fishing Industry in St. Vincent and the Grenadines and spoke to the many challenges of legislative enforcement, monitoring and governance and resources limitation, within the system.

During the follow-up discussions many of the participants related their experiences and expressed their willingness to cooperate with the Competent Authorities to work for EU compliance and general improvement in the industry given its importance to their lives and to the nation in general.

Some of the issues , challenges and concerns of the stake holder groups were as follows:

- Logistics for transshipment - movement of fisheries among CARICOM member states.
- Concerns about the inability to see harmonious trade protocol arrived at by member states
- Undertaking and financing of an effective laboratory support system - appropriate user fee system to be considered.
- Artisanal participation in export initiatives –method of compliance with at least the minimum acceptable SPS standards.
- Current status of Fish Cooperatives
- Capital for investment or retooling of facilities –high interest rates

Debriefing Session

A brief debriefing session was held at the Office of CRFM Deputy Executive Director. At this particular meeting the consultants gave a synopsis of their findings and an overall impression of the mission to the country.

Site Visits

The consultants undertook guided tours of the St Vincent government operated Fish Market and fish processing facility as well as visits to a fish processing facility owned and operated by a group of fishermen. A visit was also made to a local food processing facility.

Barbados

1. The mission visit to Barbados was undertaken between the period May 31-June 3, 2015. The visiting team members included Legal Consultant and Team leader Chris Hedley and Dr. George Grant, SPS Consultant.

2. The following meetings were organized:

    a. A combined meeting of fisheries division staff and TNINT representatives

    b. A meeting with stakeholders (Fishers / Vendors Meeting)

    c. Site visits.

3. A well-attended national consultation was held at the Accra Hotel Conference Room on 2 June.

Meeting Notes

Fisheries Division, TNINT Representatives

The consultants met at the Offices of the Agricultural Health and Food Control Programme (NAHFCP) conference room located at Welches's Plaza in St. Michael with a representative group of senior staff members and Chief Fisheries Officer of the Fisheries Division. Also present were representatives from the regional IICA, FAO officers ,as well as, a representative from the MAFFW. Members of the Barbadian press and the CRFM Public Relations Officer were in attendance.

An official welcome was tendered by the Chief Fisheries Officer who in her presentation gave as brief overview of the Fishery Sector in Barbados who stated that the Fisheries Division was mandated to manage and develop the sector .In so doing the Division was responsible to undertake the registration of fisher folks and the inspection and registration of vessels and fish processing facilities. There were about one thousand participating fishing vessels comprising day boats which ply their trade on a daily sea to land basis and the larger iced vessels which may be at sea for up to three weeks at a time. The approach to fish preservation was mainly by the use of so-called ice boat. It was pointed out that approximately 3-5 metric tonnes are harvested annually with dolphins, tunas and flying fish species forming the primary catch. Mention was made of the various challenges faced by the Division in undertaking its mandate. This presentation was followed by one given by the representative of the BNSI

Mr. Hedley in turn gave a brief review of the rational and expected outcomes of the consultancy and by extension the CRFM project of which he reminded participants was just one component of a larger project of forty- two months which will impact the various member CARIFORUM Member States .He invited participants to give their own perspectives on the consultancy so that the feed - can serve to inform the final outcomes/recommendations to be made by the consultants . A frank and spirited discussion followed the presentations

Highlights of the discussion included :

- Project comes at interesting and important time for Barbados. Legislation is fragmented and out-dated. Need for revision and updating – environment is

basically that we need to build from scratch. Protocol approach suggested by consultants was welcomed. Mention was made of specific need for protocols for tuna, dolphin fish, flying fish.

- The NAHFSA was considered the policy making body for food safety issues,
- Barbados not yet on the EU approved list of Third countries exporting to the EU;
- Barbados member of ICCAT ;
- Barbados has in place Draft Food safety and animal health policies and Fishing Act;
- There is limited trade – what is exists is either within Caribbean, or to US.
- EU inspection visit in 2008-Impending EU inspection visit soon but with several challenges being faced to achieve compliance;
- Challenges included legislation, infrastructural, training of personnel among others;
- Protocols for dolphins, tunas shell fish required and regulations for IUU;
- Note was also taken of the newly promulgated US modern Food Safety Act(US-FSMA) and its possible impact on Barbados export fishery initiatives**.**
- CFO commented that Barbados and regional generally need to present stronger front to EU
- Much potential in regional market; but often traditional / cultural views limit trade; so the question is how do we unlock that, and free up trade in the region.
- Comments were also made about the impact on national food security and prices if Standards are set too high – it was questions whether this was realistic for a small island like Barbados.

Fishers / Vendors Meeting

Meeting was arranged for approximately ten (10) fishers from the cooperative at the Fish Market Landing site.

In addition to the consultants , others present were the Fisheries Officer ,the manager of the Commercial Fish Market /Processing Facility Complex and the Quality Control Officer which is

These representative fishers voiced their concerns re such issues as fish standards application and the current pricing system. ice usage and quality. They enquired as to how the project would impact their operations. All seem desirous of entering the EU export trade.

Site Visits

Site visits to the Barbados government operated Fish Market ,processing facility and associated landing site were under taken, as well as, visit to a designated private sector fishing facility.

National Consultation

This meeting was held at the Accra Hotel Conference Room and involved a wide cross section of the technical personnel of the various competent authorities which deal with food safety and quality assurance along with representatives of the private sector stakeholders.

A brief welcome and introduction was done by the Chief Fisheries Officer along with presentations from Chairperson of the NAHFSA Committee and the Representative from IICA.

These were followed by the a presentation by the consultants dealing with the project aim, deliverables including issues of governance and coordination aimed at positively impacting trade access and competitiveness both by member states and the region.

- Among the challenges perceived were those of;
- Regional/Country representation at the levels of the international Competent Authorities
- Laboratory Support systems/accreditation etc
- Training at the various levels to include fisher folks.
- Cruise ship markets and the impact of food safety measures
- Product Traceability
- Pilot studies at the processing operation level.
- Regional Harmonization and the movement of agricultural goods and services.

Governance group

- Policy should start at the national level; several components of policy were missing:
    - The idea came though of having an approved list of vendors that could provide capacity building and training.
    - Official controls – validation of the food safety system needs upgrading (training, resources)
    - Constrained finance is a key concern
    - Capacity building – SOPS, manuals, guidelines, etc. were all required
- Regional mechanism

Aquaculture

- Starting from ground zero
- A stakeholder advisory group should be established, reporting to CFO
- This could be establish policies, etc. best fit models

- Group would also assess existing aquaculture proposals

Import/Export Markets

- Need to be clear about who CA is, and how to use them and what they can provide
- Interest remains in EU markets, but seen as a long term goal

Debriefing Meeting

A summary of the major challenges and issues were considered by a combined meeting of participants from the NAHFCP,BNSI EH and Fisheries Division.

The major issues raised were :

- Barbados ' inability to be compliant with international export requirements is a continuing concern - EU inspection mission is anticipated in the near future
- Concept of model legislation would be helpful
- Streaming of export initiatives concept would also be helpful
- Deficiencies in monitoring, legislative underpinning and enforcement are all key issues
- Manuals / protocols for markets, vending and landing operations etc. are also needed – interest in developing this at the national level.
- Traceability systems need to be improved.

Appendix | Document Lists

Legislation

1. Fisheries Act cap 391 (1993)

2. Markets & Slaughter Houses Act cap 265

3. Heath Services Act (cap 44) and (Food Hygiene) Regulations

4. New Animal (Diseases and Importation) Act

Other Documents Collected

1. EU Country review questionnaire response

2.& 3 EU report & Barbados response

4. FAO infrastructure/fish inspection systems review

Suriname

1. A mission to Suriname was undertaken during the period June 3-7 2015. The Team members included Team leader and Legal Consultant Mr. Chris Hedley, and Dr. George Grant, SPS consultant.

2. The following meetings were organized:

    a. Meeting with officials from the Fisheries Department and the Director of CAHFSA.

    b. Meeting with representatives of IICA and representatives from the TNINT.

    c. Site visits to the Fishery Inspection Institute and two fish processing facilities (CEVIHAS and Onacro)

3. A well-attended National Consultation was held on 6 June.

Meeting Notes

Inception Meeting (Fisheries Division, TNINT Representatives)

The consultants met with the several technical staff personnel from the Department of Fisheries headed by the Chief Fisheries Officer (Director of Fisheries).

The visiting team members were welcomed by the Director of Fisheries and senior staff personnel of the Department .In response Mr. Hedley thanked the members of staff for their facilitation and went on to make a brief presentation on the rationale, aim, and deliverables of the consultancy and the consultants expectations with respect to the staff feed back of their own perceptions of SPS measures in Suriname and their own expectations and aspirations with respect to the project's potential impact on the safety and competitiveness of the country to trade its fishery products.

The Director of Fisheries gave a synopsis of the current status of the Fisheries Sector in Suriname.

The Director pointed to the two components of the Fishery Department namely, the Administrative/Management and the Fisheries Inspection Institute (FII) an autonomous entity with responsibility for inspection and laboratory services and with public health linkages. An Aquaculture component was recently added to the Department.

Other highlights of the presentation included :

- Suriname is one of the major fishing country of the CARIFORUM group of countries
- No formal fisheries, food safety or fish health polices presented or are in place, although there a documents and strategies which informally make up the national policies.
- Draft Aquatic Legislation is in progress, with associated regulations and Ministerial "decrees" to regulate he aquaculture sub-sector

- Code of practice for fish production on the" high seas"
- Fisheries Act in place
- Suriname gained EU approved status in 2007.
- Levy placed on all fish product export operations
- Fishery Sector contributes approx.55%of agriculture's contribution to the country's GDP .
- Estimated average national annual fish production 35-40 ,000 Tonnes
- Fishery harvesting fleet of approx.1000 artisanal type vessels,40 trawlers and 30 snapper harvesting - type vessels
- Venezuelan , Chinese, Korean and Panamanian -flagged vessels engaged in the fishing operations.
- Fishery operation inclusive of Estuary , Coastal , High seas and aquaculture were used as the official concept of zoning.

CAHFSA

- The consultants met with Mr. Simeon Collin , Director of the Caribbean Regional Agricultural Health and Food Safety Agency (CAHFSA) .The Director expressed his support for the project which he believed will positively impact the agency and wished for a firm linkage with the CRFM. He also noted that CAHFSA was also colabor5ating with the regional standard setting body CROSQ to develop relevant food safety standards and that in fact some of the standards were already available. It was noted that this particular agency was not yet fully operational. The issue of management of the standards by either CROSQ or CRFM or the two agencies combined was explored in light of the new paradigm shifts in agricultural health and food safety systems.

IICA

- The consultants visited with and had useful discussions on the consultancy and other relevant issues with the Suriname IICA Country representative ,Dr. A. Abiola who gave his full support to the visiting mission team

Site Visits

Fishery Inspection Institute

The Director Ms. Cowley updated the consultants on the operation of the Institute, as well as ,gave a guided tour of the facilities. The facility is still in need of additional equipment, material and expertise so as to become more functional. The laboratory is currently not accredited but preparations are reportedly in progress. In general limited resources seen as a main militating factor.

Processing Facilities/Landing sites/Aquaculture Farm

The Consultants were given a tour of two of the fish processing facilities namely, the private sector operated CEVIHAS and Onacro, primarily an export- oriented operations and the Government operated Fish processing facility .

These facilities are currently EU approved. The consultants also observed the operations of one of two fishermen landing sites(docks) and viewed the different categories of fishing vessels. In addition a visit was made to the Fish Vending Market.

A special visit was also paid to the Amazon Aquaculture farm one of the stated three active farmed fish enterprise in the country. It was noted that aquaculture production is only now being resuscitated and expanded as a needed alternative fishery seen with great export potential.

National Consultation

This particular consultation was hosted by the Department of Fisheries and featured a wide cross section of the operators in the fishing industry. In attendance also were representatives from IICA, the Fish Inspection Institute, Aquaculture Section and other technical personnel from the Fisheries Department

The consultants in their presentation reiterated the aim of the consultancy and the expected outcomes re a strengthening of the Member States legislative and SPS capacities to effect greater trade competitiveness at the market place both regionally and internationally.

The urgent need for relevant mechanisms to drive a regional approach was issued. The importance of stakeholders involvement in terms of a feedback on the ongoing consultancy was emphasized

Presentations were made by the Chief Fisheries Officer, the Head of the Fish Inspection Institute and the head of the newly formed Aquaculture section.

These presentations sought to give a historical sketch of the current status of the Surinamese Fishing Industry and the SPS Progamme at work in the Industry. The presentations also pointed to the various challenges, issues and concerns re faced in maintaining an acceptable of level of SPS compliance .The problems of IUU non compliance were noted as well as the difficulties of enforcement.

A lively and frank series of discussion ensued after the several presentations. It was noted that Suriname having accorded EU- approved status must now make the necessary effort of maintain its status and in so doing expand its market access. The mission as well as the consultancy were considered to be timely and relevant events which could positively impact Suriname initiatives to improve the fishing sector which accounts for a significant input into national development.

Some of the major findings coming out of the consultation workshop in terms of challenges ,limitations ,concerns and opportunities were as follows:

- Implications of Impending EU inspection visit
- Validating , maintenance and strengthening of current SPS programmes
- Laboratory capabilities and accreditation challenges
- Official Artisanal participation in export activities via compliance measures
- Marketing access for smoked and salted fish products
- Local Fish market conditions-both infrastructural and sanitation
- SPS programme for Aquaculture operations not in place
- Traceability programme
- Bio-security measures

- Use /regulation with respect to SPS of Suriname foreign flagged harvesting vessels
- Status of Member states fisheries trade
- Regional transportation as it applies to the fishing trade.
- Animal welfare (aquaculture in particular)
- Artisanal fishers organizations /participation
- Difficulty of Access to capital /high interest rates to fishers
- On-going auditing/validation of SPS system in place.

Grenada

1. The project team (Chris Hedley, George Grant) conducted a joint mission with Matis Limited and a Media Consultant Media & Communications Specialist/Journalist (Barbados), together with the Deputy Executive Director of the CRFM Secretariat, from 8-10 June 2015. Mr Hedley had to leave the mission early, due to a family bereavement, and was unable to attend the National Consultation.

2. A comprehensive set of meetings were organized, including:

    a. Meeting with the fisheries division
    b. Meeting with the TNINT
    c. Site visits to fish processing plants, the landing site at Grand Mal and national laboratory facilities
    d. Meeting with the Minister responsible for fisheries
    e. Meeting with key stakeholders
    f. Meeting with the Ministry of Health

3. The National Consultation took place on the morning of 10 June.

Meeting Notes

Meeting with Grenada Fisheries Division

4. This meeting took place on the morning of 8 June, and commenced at 9 a.m. with a brief welcome and introduction by Justine Rennie. Following introductions of meeting participants, Mr. Rennie noted that he would not be present for the national consultation because of travel duty. He further advised that Johnson St. Louis would be the main coordinator of the mission on behalf of the Fisheries Division (FD).

5. FD staff then proceeded to give some background information on Grenada's fisheries sector and efforts to develop internationally recognized SPS standards over the years.

6. FD staff noted that Grenada had been a fish exporter since 1970s. By turn of the 1990s, Grenada started to access markets in NA and EU, and needed to establish the necessary legal, laboratory and inspectorate supporting framework. Towards this, in 1999, Grenada had developed fish and fishery product regulations. The Ministry of Health was designated as the Competent Authority for SPS matters, while the FD had certain responsibilities in terms of the regulations. The FD also worked with the national Produce Chemical Laboratory (PCL) and national Bureau of Standards, as well as the Veterinary Department for improving the SPS infrastructure and systems over the years.

7. The Team was advised that in 2005-06, Grenada had been elevated to list 1 for exporting countries. USA was the main market for pelagic species, especially yellowfin tuna. It was also pointed out that the export of fish was quite important compared to other crops. In 2004 and subsequently, 2 severe hurricanes had

destroyed the agricultural sector, and as a result, fisheries became even more important as a foreign exchange earner. That is to say, after Hurricane Ivan in 2004, fish exports had reached as high as 55% of goods exported. FD staff therefore emphasized the sector's importance for food & nutrition security, poverty alleviation, and the associated social and economic benefits. The Team was advised that the environmental aspect was very important, particularly as it was area in need of further improvement. FD staff noted that it was critical that Grenada optimized the outputs from the industry, and highlighted the need to maintain the export standard that had been approved. Some additional background information was then provided by FD staff concerning the existing conservation programmes for lobsters, conch, turtles, etc.

8. The Dr. Singh-Renton then provided an overview of the SPS project, emphasized the national and regional parallels, and advised of the specific objectives of the visit and activities of the joint team.

9. Mr. Hedley explained the legislation activity objectives, noting the intention to provide inputs only where needed. Mr. Hedley pointed out that the regional aspect was important to consider, and sought feedback on how regional institutions could represent Grenada's needs. In addition, in the case of Grenada that already had the EU and USA markets, what was needed to retain both markets, recognizing that the USA was moving in same direction as the EU, and even other markets would likely follow. That noted, Dr. Grant indicated that while different markets had different standards at present, this aspect was being taken into account by the present activity.

10. Mr. Rennie advised that Grenada was striving for a single, acceptable standard, and voiced concern that the allowance of different standards could create weaknesses and loopholes for stakeholder operations.

11. Mr. Hedley and Mr. Gissurarson reassured the FD staff that legislation would help with this challenge. It was recognized that EU standards at certain points in the process would be necessary, and that the proposed approach was a grading system. In light of this, some information was sought by the Team on the inspection process. FD staff confirmed that Fisheries Officers were authorized to carry out inspections in fishery products and were able to issue catch certificates. The Team was advised that there was no formal manual on inspections, but the process followed was based on the existing regulations. FD staff then confirmed that there was a checklist used for inspections, and agreed to provide the Team with the set of forms used. At that time, there were 4 authorized officers to dela with fishery products. Current legislation notes the qualifications required for inspectors. Inspectors were trained at the College level and would also have received specific training in HACCP.

12. Regarding governance, FD staff pointed out that the Ministry of health was the Competent Authority, but this role was not formally documented. Also, an inter-ministerial body had been established by Cabinet for the purpose, and involved several agencies both from the public and private sector.

Meeting with the TNINT

13. This meeting occurred on 8 June at the same venue, and some TNINT members had joined during the course of the meeting with the FD. The TNINT was officially included in the meeting at about 11 a.m., when Mr. Rennie and the Dr. Singh-Renton provided the necessary introductions.

14. The national focal point for the SPS project, Mr. Thaddeus Peters, introduced the TNINT members present, and also advised which members were absent. The representative from IICA took the opportunity to inform the Team of IICA's efforts to have countries submit activity proposals to be funded by the SPS project. In this regard, several activity proposals had been received by the IICA office in Grenada, including a proposal from fisheries on HACCP. The IICA representative advised further these activity proposals were awaiting approval by the SPS project office in Barbados, after which implementation of Grenada's proposals would be monitored by local IICA team.

15. Dr. Singh-Renton enquired about the status of NAHFSA, noting that CAHFSA would depend heavily on the NAHFSAs. The Team was advised that Cabinet had mandated the establishment of NAHFSA, and approved its membership, which consisted of several ministries and departments, such as agriculture, pest management, health, bureau of standards. The TNINT confirmed that NAHFSA had held one meeting so far. Dr. Singh-Renton asked whether NAHFSA has been mentioned in the legislation, and the TNINT noted that it was not. However, Mr. Hedley clarified that it not necessary to have NAHFSA mentioned by name in the legislation, especially as it would be required to be incorporated into primary legislation and that could take several years. However, it was necessary for Cabinet to agree on the NAHFSA's TORs.

16. Referring to the 2008 report of the EU mission to Grenada, Mr. Gissurarson asked for an update concerning the problems that had been identified with regard to testing of water and heavy metals. The TNINT explained that fish processing plants had been sending their samples to laboratories in the USA for tests in respect of heavy metals. On the other hand, water testing was now being done locally. There was some further discussion about specific local and regional capabilities for supporting such tests. Mr. Gissurarson reminded the meeting that certain tests had to be done locally, depending on the need for using fresh samples. Mr. Gissurarson then asked whether Grenada had in place a residue plan/ programme, but the Team was advised that such a plan was not currently in place. Mr. Gissurarson also enquired whether there was a contingency plan for fisheries, in view of the need to manage traceability and risk. There appeared to be no such plan.

17. On the issue of standards, there was some discussion about the possible role of CAHFSA in promoting standards at the regional level. The meeting also recognized the role of CROSQ in setting certain standards related to SPS. Mr. Gissurarson advised against having too many standards. The meeting acknowledged that protocols were important, and that it was necessary to clarify the rules. The meeting also recognized the importance preparedness for changing market standards. In this

regard, Mr. Gissurarson referred to the experience of Iceland where price was very influential in supporting the attainment of standards.

18. Dr. Gunnlaugsdóttir asked if there were any cases licences being withdrawn. The TNINT advised the Team that there were no such cases. After some further discussion on compliance and enforcement, the meeting acknowledged that Standard Operating Procedures (SOP) had to be established to cover inspections and audits. It was necessary for the audit process to include several steps and chances for remedial action, which could then be used to justify a decision about suspension of a licence, and nurture confidence such decisions.

Field Visits

19. On the afternoon of 8 June, the Team was given guided tours of fish processing plants and the landing site at Grand Mal. The visit to Gouyave had to be cancelled, as that market was experiencing some flooding problems.

20. The Team made direct observations of the infrastructure, vessels, equipment, operating environments, and made further enquiries about harvest and post-harvest procedures, fish transport, etc.. Photos were also taken and retained for the record.

Minister for Fisheries

21. The Team paid a courtesy visit to the Minister on 9 June. This meeting allowed the Minister to be briefed about the Team's visit, and to meet the key experts involved.

Meeting with key stakeholders

22. The meeting took place on 9 June in the Fisheries Division's main conference room. It commenced at 9:45 a.m. and was chaired by Mr. Johnson St. Louis.

23. Project introductions were done both by Mr. St. Louis and by Dr. Singh-Renton. Participants then introduced themselves.

24. In explaining the aims of the legislation activity, Mr. Hedley highlighted that the SPS working environment was a dynamic one, with importing country demands evolving all the time. He indicated the need to understand Grenada's status regarding current demands, and also to make sure the sector clearly understood the requirements to fulfill the demands. Mr. Hedley then urged the meeting to consider also the regional processes and agencies and their possible role in supporting the national systems. Additionally, it was important for the meeting to highlight the difficulties for Grenada in facing the challenges noted. On role of regional cooperation, Mr. St. Louis emphasized the anticipated benefits of speaking with one voice for international representation/ negotiations.

25. On the activity to review and evaluate the national fisheries SPS environmental monitoring programme, Mr. Gissurarson spoke of the necessity to examine the whole value chain. Based on interviews and observations to date, the attention on SPS standards seemed to focus on activities from the point of catch to the point of export, but SPS product and environmental quality monitoring should really be concerned

with the full chain from harvest to the plate. Mr. Gissurarson also emphasized that SPS demands would change over time, and adaptive capacity was therefore an essential attribute of the SPS governance system. He pointed out that the plant operations observed at Grand Mal were not complicated, involving processes only of storing/ holding the fish. However, if Grenada desires to export a ready to eat product, a higher SPS standard would need to be maintained. If any 'value added' activities were being considered, the present facilities would be faced with new challenges. Mr. Gissurarson referred to 2008 EU report, which identified several weak areas for further attention/ action by Grenada, e.g. water and residue testing. He emphasized that these weak areas would have to be addressed before the next EU mission. The work of the Environmental Team was to identify the present weaknesses / gaps and to offer guidance by way of recommendations on how to address these gaps.

26. On the issue of 'value-added', Mr. St. Louis informed the meeting that in Iceland, all parts of the fish were used to produce usable products. Mr. McDonald lamented about the level of investment in fisheries, and the fact that government and not the private sector should be making the inputs to elevate the industry to produce 'value-added' products. In this regard, Mr. Gissurarson explained that everyone concerned needed to keep focused and needed to invest. He informed the meeting that Iceland had system for companies to identify their intent in terms of processing etc..

27. At this point, Mr. Hedley reminded the meeting that the private sector also needed to think more about the aspects of regional cooperation, and noted though that government had to have certain structures in place for such cooperation to be effective. In this regard, Mr. James Nicholas reaffirmed his understanding that certain regional organizations, such as the CRFM, could spearhead the management of IUU issues on behalf of all countries. Mr. Nicholas also pointed out that with a shared ecosystem, testing responsibilities could also be shared, and transshipment could be taken into account. These were all areas that could benefit from a regionally coordinated approach. Mr. Hedley agreed, and indicated that the private sector had a key role in ensuring that such issues received the due attention by government, so national systems could be organized in support of any desired regional cooperation. Dr. Singh-Renton used the opportunity to inform the meeting of the framework support of regional instruments (Castries Declaration on IUU and CCCFP) that had been adopted and that required commitment on the part of countries. The CCCFP contained provisions for cooperation on information management and exchange, as well as cooperation in the area of marketing and trade. Hence, countries were able to make use of regional cooperation to improve their operations for the benefits of all concerned. Dr. Grant sought and obtained clarification on the provisions within the CCCFP for developing a trained cadre of professionals. On the issue of IUU fishing and regional cooperation, Mr. Crafton Isaac reminded the meeting that flag state responsibilities were national level responsibilities, and he spoke of the recent negative listing of certain countries, as this could pose challenges for regional cooperation in satisfying international SPS and traceability standards.

28. The meeting then gave some attention to management and regulation of SPS standards, with Mr. Hedley highlighting the importance of having a flexible system to accommodate different standards for maximum competitiveness. He explained that such system (multi-standard) would need to have strong official controls. Moreover, it would require the private and public sector working together in order to achieve a common goal. The IICA representative then advised the meeting of an ongoing activity by IICA to prepare audit manual for measuring standards in respect of Global GAP.

29. Mr. Hedley sought further information about the audit process to inform further development of the proposed protocols and SOPs to guide stakeholders, while noting the need for coordination among the various SPS project components. Dr. Grant explained that within countries, usually, an internal HACCP team would manage the internal control system, and this would be validated by the Competent Authority. In the case of Grenada, the meeting reaffirmed that the Ministry of Health served as the Competent Authority.

30. Mr. Gissurarson asked the meeting to consider that the EU, as a market, was simply securing the safety of the product. Furthermore, the SPS rules of various markets were the same, but were applied differently. Hence the national system had to be flexible to manage these differences simultaneously. The need for verification of source of product was also emphasized. It was also confirmed that a facility could be ISO and HACCP certified simultaneously, and this also pointed to the importance of developing a flexible control system.

31. The meeting then gave some attention to the status and preparations for the next EU visit. In particular, Dr. Gunnlaugsdóttir asked about the outstanding tests required by the EU, and preparation for next EU visit. As the Competent Authority, the meeting was reminded that the Ministry of Health was responsible for reacting to EU comments about SPS standards. Mr. Nicholas clarified that Grenada had testing capability, but it was not cost-effective as reagents had to be stored because in some cases, only 1 test per year was required.

32. The issue of documentation was raised and Mr. Moran Mitchell pointed out that operators needed to have documentation always ready and available for inspection. Dr. Grant reiterated this point, highlighting that documentation was vital to the HACCP system. The EU insisted on preparedness and accessibility of documentation. Mr. St. Louis advised that, currently, 2 out of 3 major plants were excellent in having their documentation ready. He also recalled that when EU came prior to 2000, the fish trading vessels had all their documentation ready for inspection. Mr. Hedley emphasized the usefulness of maintaining an electronic documentation system as well. As the same requirements were needed by all operators and countries, Mr. Hedley indicated the need to examine the scope for standardization of these procedures, and to consider whether from the industry standpoint, such standardization would help.

33. In response to a request for further clarification of the internal control system for HACCP, Mr. St. Louis explained that a team would conduct the inspection of vessels, and then the chief environmental officer signs off on the certificates. Mr. Hedley asked about the review of the inspection information. While the EU report of its mission was a key reference to guide the procedures, it was necessary for the Competent Authority to keep updated on all the requirements. In this regard, Mr. McDonald advised Mr. Hedley that the laboratory issues were the main issues during the last EU visit. Mr. St. Louis confirmed that the laboratory issues remained, and Grenada had asked the EU for more time to address these. Mr. Hedley then advised that a proactive approach to managing the challenges was required. Mr. McDonald added that Grenada was exploring the use of regional testing facilities.

34. Mr. Hedley informed the meeting that the legislation activity would be creating SOPs for carrying out the procedures. The protocols would have to be updated and he proposed that this be done regionally. He advised further that the licensing system also required procedures for management and control. In this regard, the IICA representative noted that within the global GAP system, there is provision on procedures, which includes documentation management.

35. In finalizing the discussions and way forward, the meeting recalled the objectives of the activities proposed: competitiveness, export to EU and satisfying EU food safety guidelines for consumer protection. The meeting then noted that there was an expectation that whatever improvements were made in respect of product quality for export purposes, the improvements should also elevate the standards for local consumers. Notwithstanding, the meeting agreed that two separate policies would have to be distinguished. While export to other countries was an activity aimed at maximizing the monetary profits, the aims were more complicated for supply to the national market, encompassing the need for safe food, easily affordable fish, and monetary gain. In this regard, Dr. Grant pointed out that the ultimate aim of any SPS system was to protect the consumer public.

36. There was then some further discussion about the quality measurement criterion, e.g. looking at the local market standards to understand the lowest standards acceptable to the country. At this point, the regional media consultant, Mr. Julius Gittens, cautioned about the message the project would convey, i.e. that countries and the region were only concerned about export and not concerned about the local consumers. Mr. Hedley reiterated the difference between the national and EU policies and our responses to that difference. He explained that it was important for countries and the region to convey the message that they were concerned about national policy and fulfilling codex standards for local and regional consumers, while taking into account the competitiveness aspects, as discussed earlier in the meeting.

Meeting with Ministry of Health

37. This meeting took place around midday on 9 June. Mr. St. Louis accompanied the Team to the Ministry. The Team met with the Chief Environmental Officer, Mr. André Worme, and the fisheries officer responsible for SPS matters, Mr. Jude Andrews.

38. Following the usual introductions, the Team learned that new food safety legislation was expected to be in place shortly. Additionally, several officers would be authorized under the new law to conduct inspections of both vessels and products. Regarding the inspection process being applied, checklists and forms were currently being used. There appeared to be no formally document procedures or descriptions supporting the checklists used. Subsequent inspections were done according to the checklists, with the Ministry of Health being responsible for overseeing the process.

39. There was some discussion on the issue of record keeping and compliance. the Team was advised that the Ministry of Health kept a filing system. Regarding compliance, it was explained that while provisions are made for lack of resources, there have been instances in which facilities were not issued the required EU certificate. Officers resident in areas conducted the inspections, but the system also allowed for independent checks by other officers. In this regard, the Team also learned that the expected new legislation included a provision for operating facilities to appeal decisions. The appeal could be made to the Minister, who could then arbitrate.

40. Concerning tests, the Team was advised that waster testing was usually done by the national water and sewerage authority, but the Ministry of Health did checks as well, on both water and ice. It was also clarified that operating facilities did their own tests, and submitted their reports to the Ministry. At present, a user fee system was not applied by the laboratories used. In addition, there did not appear to be a formal environmental/ residue monitoring plan in place.

41. There was also some discussion about the use of laboratories in the region for tests, e.g. ICENS in Jamaica was an internationally accredited laboratory capable of testing for heavy metals.

Laboratory visits

42. On the afternoon of 9 June, the Team was given guided tours of the Produce Chemical laboratory and the laboratory facilities operated by the Bureau of Standards.

43. The Team interviewed key informants and made direct observations of the facilities and equipment. Photos were also taken and retained for the record.

National Consultation

44. This consultation took place on the morning of 10 June.

45. Several stakeholders had attended meetings on 8 and 10 June, and were present again on 10 June for further debate and finalization of the findings and recommendations in respect of Grenada.

46. There was a formal opening ceremony, chaired by Mr. Moran Mitchell. Dr. Singh-Renton delivered remarks on behalf of the CRFM.

47. The main meeting was chaired by Mr. St. Louis, and received the following three verbal presentations.

    - Mr. St. Louis provide an overview and history of Grenada's fisheries sector and its achievements in SPS management.

    - Mr. Hedley had prepared a recorded powerpoint presentation on the legislation needs and recommendations, which was delivered without flaw. Dr. Grant spoke briefly before the powerpoint presentation by Mr. Hedley.

    - Mr. Gissurarson delivered a powerpoint presentation, giving the Teams findings and recommendations on fishery product and environmental quality monitoring for Grenada.

48. The three presentations informed the subsequent discussions, some of which are captured here (see explanatory note below).

49. Legislation discussion - The consultation noted that legislation should be informed by policy, and was reminded of the national food safety legislation and fisheries policy that were in an advanced state of finalization and adoption. The fisheries policy was on the legislative agenda for 2015.

50. Dr. Singh-Renton enquired about the status of NAHFSA, and it was clarified that NAHFSA was activated last year. The TORs have been developed for submission to Cabinet, and already, the pest management unit had identified some issues for attention by the NAHFSA. In addition, it was pointed out that the new food safety bill contained a provision for a Committee to oversee SPS inspections and for a PVS system (Performance of Veterinary Services). Dr. Singh-Renton also enquired about the linkage between CARICOM and the national process for adopting new and amended legislation if this became necessary. The CARICOM directive was usually made to the Ministry responsible for Foreign Affairs, which would then transfer the request to the Ministry responsible for Legal Affairs, which would then liaise with the relevant subject ministry, after which a submission would be prepared for consideration by Cabinet.

51. Dr. Grant then facilitated some discussion about methodology in respect of aspiring towards harmonized standards, regional trade, and the legal consultant's proposed split between regional and national governance responsibilities. The consultation noted appreciation for harmonization of the legislation to support harmonized standards, and was therefore in agreement with the proposal made by the Team. There was also some consideration that the regional approach would have to incorporate different grading systems and checklists. Still on the issue of fulfillment of standards, the needs of artisanal fisheries were raised. Dr. Grant noted that in the case of artisanal fishers and similar individual operators, a cooperative corporate approach would have to be considered. Mr. St. Louis then reminded the consultation that artisanal fishers had received various forms of assistance over the years aimed at elevating the SPS standards practiced.

52. Environmental monitoring discussion – The consultation appreciated the weaknesses of the existing laboratory capacity and the need to guarantee financial sustainability of laboratory operations. The concept of a user fee was discussed, and the consultation noted that under the current system, user fees would be paid into the consolidated fund. Currently, inspections within the importing country were not considered the exporting country's responsibility. This noted, the consultation was advised of the importance of establishing a contingency plan.

53. In conclusion, the consultation essentially agreed with the content of the presentations.

Annex 4 | Regional Validation Workshop Report

1. This note records the key observations, discussions and conclusions from the Regional Validation Workshop, held in Barbados, 24-25 August 2015 insofar as it relates to the assignment *Technical support to develop model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States.*

Overview

2. Participants from all CARIFORUM countries except for The Bahamas and Dominica, together with regional stakeholders (including from CRFM, IICA, CAHFSA, CROSQ, and CARPHA) met with the Consultant team for a two-day workshop to review the results of two projects - *Technical support to develop model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States* and *Technical support to develop national and regional environmental monitoring programmes related to SPS for fishery and aquaculture products in CARIFORUM States.*

3. Approximately, one day was devoted to reviewing the results of the present assignment, with remaining time reserved for general introduction and background presentations and the review of the results of the environmental monitoring project.

4. The meeting was organized via a series of introductory presentations (see Agenda in Appendix A), followed by an overview of the consultancy findings (presentation by C. Hedley) and working sessions to review the technical documents (facilitated by C. Hedley). The key observations and comments from the Workshop are recorded below.

Feedback – Regional Protocols

5. There was strong support for the concept of Regional Protocols at the Workshop. Participants recognized the need for strengthened legislation in this area, and recognized that a regional mechanism for adopting and updating protocols would address the key challenge facing CARIFORUM States individually.

6. Among the advantages of the approach were seen:

    a) Allows for uniformity and a stepping stone for harmonization within the region.

    b) Provides awareness to Member States though education.

    c) Properly addresses food safety and would enhance the practices with regards to food safety.

    d) Facilitate trade, both intra-regional and external, and would help to remove arbitrary, political and other trade barriers;

    e) Would help meet international standards

f) Would increase transparency, both in terms of how and why regulations are developed (e.g. the international standards being applied) and in terms of what those Regulations actually were.

g) Continuity/record keeping and documentation could be improved, as the procedures and formats are set out in the Protocols and could be harmonized;

h) Clarity and legal basis of measures would be improved, and the scientific basis would be more clearly made out;

i) Increase efficiency and save time for national governments in developing and updating regulatory measures themselves.

7. Among the challenges of the approach were seen:

a) Time frame for incorporation might have to be extensive to give Member States adequate time to be up to standard.

b) Whether the Protocols are consistent with other upcoming matters that addresses food safety being carried out by CARICOM, PAHO etc.

c) Protocols cannot be vague, as this would allow for loop holes.

d) The need for consistency of terminologies, since this may vary from country to country

e) Cost / capital development for the private sector and governments needed to implement the measures foreseen in the Protocols

f) Lack of adequately trained personnel to implement the conditions of the Protocols

g) Risk of poor buy-in from governments, due to competing (overriding) legislative and political priorities

h) Cultural peculiarities/practices in individual countries, which might lead to some resistance to new measures

i) Awareness & political will

j) Lack of capacity

k) Unclear cost-benefit analysis

8. Working Groups differed on the legal status of Protocols. Some delegates favoured an approach whereby the Protocols should be in the form of voluntary instruments at the regional level, with compliance / formalisation via regulations or in the form of licences and certificates at the national level. Other delegates expressed the view that there should be some binding agreement among Member States to ensure that the practices are consistent within the region and truly allow for harmonization. Chris Hedley observed that in the short term, allowing more flexibility would be easier to

achieve and would enable the process to start, but this should be kept under review and move towards a fully harmonized, legally-binding approach could be considered further down the road if the political, international and legislative conditions were right. In the long-term, this is something that should be foreseen within the development of the CSME.

9. In any case, it was recognized, however, that there would need to be further consideration of the legal mechanism at the national level. Chris Hedley pointed out that the model legislation allowed for flexibility, so that Regional Protocols and/or national protocols and/or national regulations could be used. In this sense, the Protocols might be viewed as a *resource* on which Member States could rely, although it would hamper regional harmonization (and therefore limit some of the benefits of Regional Protocols) if they were inconsistently applied at the national level.

10. Implementation at the Regional or national level should be medium to long term. Incorporation at the Regional level could be through the National Agricultural Health and Food Safety Authorities (NAHFSAs), with consultative oversight from CARICOM/CAHFSA/CRFM.

11. General consensus is that the Protocols should be comprehensive and cover all aspects concerning food safety, and the areas necessary to satisfy International Trade**.**

12. Working Groups took the view that the protocols should cover all aspects of the continuum from the production area to market; that is, from farm-to-fork. This includes: harvesting; transportation; processing; packaging; labeling; storage. For wild-caught species there could be risk-based monitoring. Established protocols are required for pelagic fishing.

Feedback – Legislation

13. Many comments were made on the draft legislation. Many of these were of a technical or drafting nature (for example, suggestions as to how the objectives could be revised, clarifying the functions of the Competent Authority, proposals as the procedures for appeals and licensing, etc.).

14. The key points, from a policy perspective, that arose were as follows:

    Competent Authority

    Several participants pointed out that the Ministry of Health is the body normally responsible for matters of food safety, and that care should be taken about having a separate designation in another Act.

    Advisory Committee

    Comments were received that the size of the Advisory Committee proposed on the document was too large – in particular, industry representatives could be combined within a single representative, and it may not be necessary to include

all government officials. On the other hand, a legal representative usually from the Attorney General's Office should be designated.

Discretionary Role of Minister.

Some stakeholders had concerns with the amount of discretion afforded to the Minister in making appointments under the Act, and wanted this specific section be amended. For example, it could be made to indicate the Minister in consultation with the Competent Authority instead.

Traceability and Recall

This is a most vital protocol and one which has been left out of most of the existing national legislation and needs to be captured in current legislation given its relevancy in modern food safety.

15. It should also be noted that most participants commented on the scope of the Model Export Control Act, questioning why it was limited to export and did not cover all aspect of food safety operations (including both domestic controls and import controls). The Consultant explained that these were the limits of the Terms of Reference. It was acknowledged, however, that there was a need to address food safety across the entire sector, and that this might be better approached as part of a holistic review of food safety legislation.

Feedback – Governance Mechanism

16. A general comment was made that the Governance/Institutional "Green Paper" was not as clearly outlined as the presentation made at the Workshop, and could be made easier to understand. The Consultant agreed to review and update the document.

17. Nevertheless, the principles of the approach were welcomed – there was consensus that there needed to be improved coordination at the regional and national levels, and that the mechanisms outlined in principle in the Green Paper were helpful.

18. The CAHFSA Executive Director made a detailed intervention supporting the need for stronger regional cooperation, and emphasizing the role of CAHFSA as the lead agency in matters of food safety, including fisheries products. However, it was recognized that it was critical for all organizations involved to cooperate together – there was already a draft MOU with CROSQ but it would be useful to expand this further to include the other interested organizations. It was also emphasized that there were dangers in treating fisheries separately from other food sectors – while there were some considerations specific to fisheries, for the most part the treatment of fish products from an SPS perspective should not be any different from any other food product. There was a risk of complicating regulation and reducing the prospects for harmonisation and coordination.

19. CAHFSA and CROSQ both welcomed the overall approach, based on establishing a coordinating committee, developing an MOU and develop national agency oversight of food safety issues. CROSQ commented that it wanted to look at the MOU a bit more and noted that there was already an MOU between CAHFSA and CROSQ.

The Consultant acknowledged this, and commented that the MOU in the Green Paper was modelled and sought to develop the bilateral MOU.

20. CROSQ and CAHFSA requested that discussion on the governance section be deferred due to ongoing regulatory discussion with the various regional bodies.

Appendix 1 – Agenda

Regional Validation Workshop for Model Legislation, Protocols, Guidelines and Institutional Framework; Environmental Monitoring Programmes; and, Mechanisms for Coordination of Issues at National and Regional Levels for Sanitary and Phyto-Sanitary (SPS) Measures relevant to the Fisheries Sector

Bridgetown, Barbados 24 – 25 August 2015

AGENDA

Day 1

9:00 – 9:45 Opening Ceremony

Opening Remarks - Chair (Permanent Secretary, Fisheries)

Remarks – Representative of IICA

Remarks – Representative of the Delegation of the European Union

Remarks – CRFM (Executive Director)

Feature Remarks – Minister of Fisheries

Closing Remarks – Chief Fisheries Officer

9.45-10.00 Coffee Break

10.00 - 10:15 Election of Chairperson and Introduction of Participants

10:15 – 10:30 Introduction to the Project (Programme Manager, Fisheries Management and Development)

10:30 -11:00 Overview of the findings of the Environmental and Residue Monitoring Consultancy (Helga Gunnlaugsdottir)

11:00 – 12:00 Overview of findings of the Legal and Coordination Consultancy on Sanitary Standards for fishery and aquaculture products (Chris Hedley)

12:00 - 13:00 Lunch

13:00 – 15:00 Review of Consultancy outputs – Model Legislative framework for Sanitary Standards for fishery and aquaculture products (Chris Hedley)

15:00 – 15:15 Coffee Break

15:15 - 16:15 Review of Consultancy outputs – Model Legislative Framework Cont'd.

16:15 – 16:45 Validation of Consultancy outputs – Legislative Framework

16:45 Close for the day

Day 2

09:00 – 13:30 Review of Consultancy outputs – national and regional monitoring programmes related to health and food safety in the fisheries and aquaculture (Oddur Gunnarsson)

10:30 – 10:45 Coffee Break

10:45 – 12:00 Validation of Consultancy outputs – Monitoring programmes

12:00 – 13:00 Lunch

13:00 – 15:00 Review of Consultancy outputs – Model Guidelines on Developing Coordinating Mechanisms for Fisheries SPS Governance (Chris Hedley)

15:00 – 15:15 Coffee Break 1

5:15 – 16:00 Review of Consultancy outputs – Coordinating Mechanisms cont'd.

16:00 – 16:30 Validation of Consultancy outputs – Coordinating Mechanisms

16:30 – 16:45 Way Forward (Executive Director / Deputy Executive Director)

16:45 Close

Appendix 2 – Working Group Feedback

Group 1

- Useful starting point
- Harmonization is useful
- Bring all Members up to same standard
- Legal institutionalisation – Protocol with time, will become a norm
- **Challenges:**
    - not all countries have capacity to implement guidelines; need for capacity building
    - constant need for review – operators become accustomed, and then have to change
- **Strengths:** give hope to countries struggling to get EU access; will also help to bring country standard
- **Weakness**: not legally binding
- **Opportunity**: learn from each other; exchange information; EU will realise that we are working together more as a region/team
- **Threats**: Not all States are part of CARICOM

Legal status: countries should be able to decide (conversion)

Group 2

1. CONCEPT OF PROTOCOLS

- **Potential Benefits**

l) Meeting international standards
m) Transparency
n) Facilitate trade
o) Continuity/record keeping/documentation
p) Clarity and legal basis
q) Harmonization
r) Science-based approach
s) Increase efficiency; save time.

- **Challenges**

a) Cost/Capital
b) Lack of adequately trained personnel
c) Poor buy-in

d) Cultural peculiarities/practices
e) Awareness & political will
f) Lack of capacity
g) Unclear cost-benefit analysis

- **SWOT**

  - **Strengths**

    - Readily available market
    - Available production capacity
    - Relative disease-free status.

  - **Weaknesses**

    - Lack of adequate training opportunities
    - Lack of capital
    - Lack of laboratory/technical support
    - Designation of the Competent Authority

- **Opportunities**

  - Readily available market

- **Threats**

  - Technical Barriers to Trade
  - Resistance to change
  - Natural disasters
  - Climate change

2. LEGAL STATUS OF PROTOCOLS

The group is of the opinion that protocols should be in the form of voluntary guidelines. Compliance would therefore be via regulations in the form of licences and certificates.

Implementation at the Regional or national level should be medium to long term. Incorporation at the Regional level could be through the National Agricultural Health and Food Safety Authorities (NAHFSAs), with consultative oversight from CARICOM/CAHFSA/CRFM.

3. SCOPE OF PROTOCOLS

The group is of the opinion that the protocols should cover all aspects of the continuum from the production area to market. That is, from farm-to-fork. This includes:

- harvesting
- transportation
- processing
- packaging
- labelling
- storage

For wild-caught species there could be risk-based monitoring. Established protocols are required for pelagic fishing.

Legislation:

1. Scope of the Act: discrimatory if it only applies to Export Control and does not encompass Import Control. The recommendation is to ensure it covers import and export control; it should also cover feed;

2. Name of the Act: Fisheries Export Control Act; amend the title relevant to the scope;

3. Objectives: need to be expanded to incorporate import control as well.

4. Administration: Competent Authority: functions need to be revisited. Sections 2 and 3 would need to be revisited since the Minister should not have the prerogative to institute a competent authority on his own.

5. Advisory Committee: Section 7 (5) (f) appeared to be redundant since 7 (5) (e) is already inclusive of the entire sector. Section 7 (5) (f) should be an extension of Section 7 (5) (e), hence should be Roman numeral (vi); and include a new (g) for the legal officer; Section 7 (6) is for the enactment of the regulations.

6. Definitions in the interpretation should be consistent with international jargon (OIE and CODEX)

7. Rights of Appeal: One view is for it to be outside of the Ministry under which the competent authority falls. Others felt that it should be under the same Ministry.

- The appeal process needs to be properly structure; and the section properly numbered to be reflect such structure.
- In the event that a licence is denied; such should be done via a written explanation for such denial.
- Proposed amendment included in brackets: Section 8 Subsection (3) the Minister, [in consultation with the Competent Authority],
- In Regulations 14 the discretionary powers granted to the Minister to determine the outcome of an appeal on his own....has to be amended

Secondary Legislation: all amendments made in the parent law should be further reflected in the secondary regulations.

(a) Important considerations to be further elaborated in t**he subsidiary regulations.**

Governance Section:

CROSQ and CAHFSA requested that discussion on the governance section be deferred due to ongoing regulatory discussion with the various regional bodies.

What should be in place:

What are the strategic priorities (regional/national)

1. Coordinating Committees

2. Memorandum of Understanding with other agencies for effective implementation.

3. National Agency - regulatory oversight

Group 3 – Review of Protocols

1. Concept of Protocols

What are the potential benefits?

- Allows for uniformity and a stepping stone for harmonization within the region.
- Provides awareness to Member States though education.
- Properly addresses food safety and would enhance the practices with regards to food safety.
- Would make trade easier.

What are the challenges?

- Time frame for incorporation might have to be extensive to give Member States adequate time to be up to standard.
- Whether the Protocols are consistent with other upcoming matters that addresses food safety being carried out by CARICOM, PAHO etc.
- The need for consistency of terminologies, since this may vary from country to country
- Protocols cannot be vague, as this would allow for loop holes.

Overall approach is that the Protocols should be clear and consistent.

2. Legal Status of Protocols
    - It was expressed by the group the there should be some binding agreement among Member States to ensure that the practices are consistent within the region and truly allow for harmonization.
    - With regards to incorporation, it is the opinion of the Group that there should be a Primary Legislation which would make provision for the creation of Regulations that covers the procedures specified in the Draft Protocols. If this is done, it would allow for amendments to be made easily and in a timely fashion.

3. Scope of Protocols
    - General consensus is that the Protocols should be comprehensive and cover all aspects concerning food safety, and the areas necessary to satisfy International Trade**.**

Observation from all groups, provided by Dr George Grant (SPS Expert)

The following could be considered as the major points of concern coming from the group discussions.

Title of Model Fisheries Export Control Act

The consensus from the discussions of all three groups was that the "caption" of the Act was too narrow/limited and did not reflect the reality (true situation) of both the national or regional concept of the total food safety system which must of necessity include local production, import and export initiatives. The provisions must speak to all of these. Hence the preferred caption should be that of The "Model Fisheries Trade Control Act".

Scope of Act

It was thought that the the scope of the legislation should be comprehensive enough in the Primary component so as to cover the sections being proposed in the Secondary component.

Ornamental VS Fish for Human Consumption

Act to specify fish for human consumption so as to differentiate this from ornamental fish which is usually under a separate Act in some instances.

Countries Which Are Already Export Ready

There was a concern as to how to treat with those countries which had already achieve "export ready" status (EU /FSMA) based on their current legislation.

Concerns Re Use of Food Safety Status as Trade Barrier

Some stake holders were apprehensive tht some of the countries already achieving approved food safety minimum standards would use such a status to prevent trading with other CARICOM member states.

IUU Issue Concerns

Some stake holders gave consideration to the fact that even with Member States achieving minimum approved food safety standards their fish trade initiatives especially at the export level could be thwarted by their failure to adopt and adhere to the IUU principles. Some countries were negatively so impacted recently via EU rulings.

The suggestion is that the IUU Regulations should be incorporated in the new piece of CARIFORUM legislation.

Tribunal Referred To In The Legislation

That the concept of this body should be based on more scientific groundings -that is be science based so that it cannot be abused politically or otherwise as an essential component of the appeal process envisaged.

Countries Already Gaining Approved Status

That these countries food safety legislation will still require some form of up-grading given the speed at which the changes in the global food trade market takes place.

Legislation And the Future Goals of the Food Safety Measures.

That the proposed legislation should look deep into the future and as such cover as best as possible the critical areas which keep on changing.

Competent Authority/Advisory Committee

Pointed out that the Ministry of Health is the Ministry normally responsible for matters of food safety it is usual that it is the Ministry of Agriculture which in turn is so designated .

Pointed out that the size of the Advisory Committee proposed is too large and that a legal representative usually from the Attorney General's Office be so designated.

Tribunal and Appeal Process

Better definition of the appeal process outside of the scope of the Competent Authority

Discretionary Role of Minister.

Some stake holders had issues with this provision and wanted this specific section be amended. Should be made to indicate the Minister in consultation with the Competent Authority instead.

Confusion/Short- comings of Legislation

Some stake holders referred to the lack of reference to some pertinent definitions in the proposed legislation and some of which were not consistent with the national or mother legislative pieces .

For example ***no reference*** *into the existing national legislations.*

MOU with existing relevant regional bodies (CAPHSA,CROSQ etc) the necessary ***cross-references****.*

Concept of Traceability and Recall

This is a most vital protocol and one which has been left out of most of the existing national legislation and needs to be captured in current legislation given its relevancy in modern food safety approach.

Indictable VS Summary Convictions

These terminologies need to be clearly defined in the legislation.

Advisory Committee Role VS Competent Authority

These need concise and definitive roles to prevent any confusion. The Advisory Committee can only advise while it is in the Competent Authority that the empowerment to act rests.

At The Regional Level

*The issue of the regional and national relationship must be clearly defined****.***

Both the ***NAPHAs and CAPHSA*** *need to be made fully functional to have maximum effect****.***

Adoption of Legislation

For any significant outcome the legislation being presented must be adopted by each country so as to bring about a certain level of harmonization and transparency. That is some level of incorporation must take place in the national legislations .

Appendix 3 – List of Participants

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Annex 5 | Presentations

Copies of all PowerPoint presentations provided during the assignment are provided separately in electronic form. This Annex reproduces slides from selected representative presentations (marked with an asterisk in the list below).

List of presentations

General

- Project Summary – Pre-Consultation Meetings (C. Hedley)

National Consultations

- Project and Country Overview – National Consultation – The Bahamas (C. Hedley)
- Project and Country Overview – National Consultation – Jamaica (C. Hedley)
- Project and Country Overview – National Consultation – Belize (C. Hedley)
- Project and Country Overview – National Consultation – Haiti (C. Hedley)
- Haiti: (Jean Robert Badio)
- Haiti: (Dr Max Millen)
- * Project and Country Overview – National Consultation – Dominican Republic (English, Spanish) (C. Hedley)
- Project and Country Overview – National Consultation – Trinidad and Tobago (C. Hedley)
- Trinidad and Tobago: Institutional Coordination (Christine Chan A Singh)
- Trinidad and Tobago: Other Relevant Legislation (Sarika Maharaj)
- Project and Country Overview – National Consultation – St Vincent and The Grenadines (C. Hedley)
- St Vincent and The Grenadines**:** National Perspective: Some Salient Challenges Encountered With Implementing SPS in the Fisheries Sector (Lucille Grant)
- Project and Country Overview – National Consultation – Barbados (C. Hedley)
- Project and Country Overview – National Consultation – Suriname (C. Hedley)
- Project and Country Overview – National Consultation – Grenada (with audio commentary) (C. Hedley)

Regional Validation Workshop

- * Overview of Consultancy Findings (C. Hedley)
- * Validation – Protocols and Model Legislation (C. Hedley)
- * Validation – Governance and Model Legislation (C. Hedley)

National Stakeholder Forum
Port-of-Spain, 25 May 2015

DOMINICAN REPUBLIC




Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

Programme Funded by the European Union
Implemented by CRFM and IICA
Project implemented by Global Centre for International Law

With the Support of CODOPESCA and the Ministry of Agriculture

Project introduction

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

Project background

- **Overall Objective**
  - To support the integration of CARIFORUM states into the world economy and specifically to increase production and trade in agriculture and fisheries which meet international standards while protecting plant, animal and human health and the environment.

- EU-funded
- Project managed by IICA
- Fisheries components managed by CRFM
- Component implemented by the Global Centre for International Law



10th EDF SPS Project:
Support to the Caribbean Forum of ACP States in the Implementation of Commitments Undertaken under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary Measures (SPS)

Component purposes

- To strengthen national and regional SPS systems by establishing a comprehensive legislative framework for health and food safety (AHFS) in the fisheries sector.
- To develop and organize an efficient responsive institutional framework and mechanism for coordination of SPS issues at both the national and regional levels.

Outputs

- A "toolkit" or model documents package

- Model CARIFORUM Guidelines on Sanitary Standards for fishery and aquaculture products
- Model CARIFORUM Sanitary Standards for Fishery and Aquaculture
- Model Export Control Act
- Model Supplementary Regulations
- Model Guidelines on Developing Coordinating Mechanisms for National and Regional Fisheries SPS Governance

Why are we doing this?

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

Why are we doing this?

6

"Positioning CARIFORUM to fish where the big fish are"

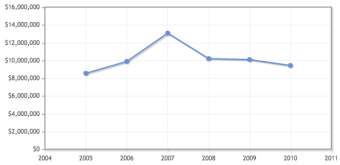
Why are we doing this?

7

- **Supporting and developing international trade**
  - increase production and trade in fisheries
  - meet international standards
  - protecting plant, animal and human health and the environment
- **Ensuring / increasing market access**
  - meet standards for difficult export markets, such as the EU
  - ensure long-term access to export markets
- **Promoting competitiveness**
  - develop efficient SPS systems which enable CARIFORUM countries to compete in a global market
  - develop "better regulation" approaches
- **Improving national food safety**
- **Supporting the fishing industry**

Fisheries in D.R.

8



- Source: United Nations Commodity Trade Statistics Database
- small aquaculture sector – c. 1,000 t
- some export trade (c. 20%)
- substantial fish imports (75-80% consumption)

Fisheries policy in D.R.

9

- fishing industry in Trinidad and Tobago is largely artisanal
- includes 1,153 multi-purpose vessels, semi-industrial and industrial trawlers,
- characterized by multi-species and multi-gear fisheries
- Over 6,000 persons are involved in the fisheries sector (capture fisheries, processing, marketing and aquaculture)
- In 2007 Government drafted a new fisheries policy and associated legislation to ensure the sustainability of the fisheries.
- The draft legislation is intended to replace the Fisheries Act of 1916.

Fisheries trade / SPS policy in D.R.

10

- Recognizes that losses in quantity and quality stemming from poor on-board and post-harvest practices reduce market value and create barriers to accessing export markets.
- Recognizes that the introduction of relevant standards of hygiene and processing practices supported by a monitoring system will improve market possibilities
- Promotes good handling practices and HACCP procedures
- Development of CODOPESCA into a fully functional "competent authority"
- Need to promote availability of food safety laboratories with ISO certification and accredited according to international standards

How are we doing this?

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

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Consultative Process

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Key actions

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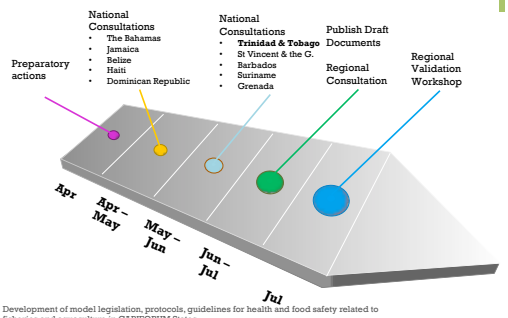

What are the challenges?

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

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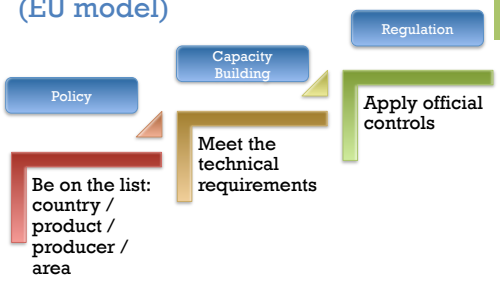
Food safety standards

15

Issue / Challenge	SPS Programme Activities
THE WORLD IS MORE FOOD SAFETY-CONSCIOUS • international trade partners have strict regulations • international consumers have high demands • regulations and demands are constantly changing	• Strengthen laws, standards, policies • Clarify the requirements for fishery product facilities establishments or factories • Determine the base for quality and safety assurance systems
	Regulatory Issues • Improve fisheries SPS governance • Strengthen existing legislation • future proof regulation

Accessing international markets (EU model)

16



Technical Expertise, Capacity

17

Issue / Challenge	SPS Programme Activities
TECHNICAL EXPERTISE AND PHYSICAL CAPACITY • strong technical skills amongst fisheries employees and stakeholders • necessary physical infrastructural capability.	• Regulator training and SPS guidelines • Industry training and SPS guidelines • Food safety operational manuals
	Regulatory Issues • clarification of procedures • environment for investment • facilitate capacity-building (e.g. cluster development – NFP 2.2)

Management problems

18

Issue / Challenge	SPS Programme Activities
MANAGEMENT PROBLEMS • responsibility for managing SPS efforts is spread over a number of agencies • insufficient governance leads to duplication, conflict and inconsistent implementation and enforcement • stakeholders are often not sufficiently involved	• promote the efficient and effective delivery of fisheries services to stakeholders, • remove duplication of efforts, • generally make national stakeholders and international trading partners more confident **Regulatory Issues** • improving governance models • rationalizing regulation • identifying opportunities for national and regional integration

Indicative stakeholder "map"

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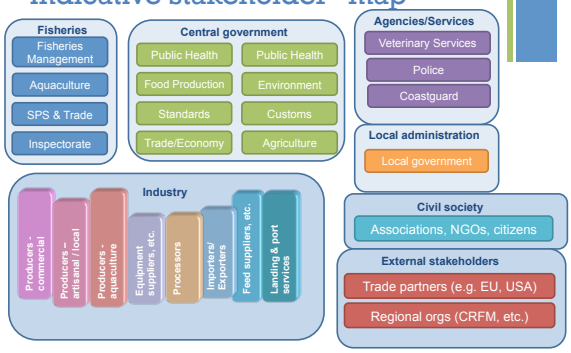

Environmental issues

20

Issue / Challenge	SPS Programme Activities
ENVIRONMENTAL CONCERNS • ecosystems are fragile, often being severely affected by natural disasters such as hurricanes • "green credentials" - fisheries sustainability, environmental impact	• Development of climate related early warning systems • Mitigating impacts of environmental threats **Regulatory Issues** • Integrating environmental monitoring procedures • Integrating certification and sustainability processes • Creating adaptive frameworks

Thank you

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

Programme Funded by the European Union
Implemented by CRFM and IICA
Project implemented by Global Centre for International Law

With the Support of CODOPESCA and the Ministry of Agriculture

Regional Validation Workshop
Barbados, 24-25 August 2015

OVERVIEW OF CONSULTANCY FINDINGS

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

Programme Funded by the European Union
Implemented by CRFM and IICA
Project implemented by Global Centre for International Law

Preliminary considerations

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

1

The task…

2

- To strengthen national and regional SPS systems by establishing a comprehensive legislative framework for health and food safety (AHFS) in the fisheries sector.
- To develop and organize an efficient responsive institutional framework and mechanism for coordination of SPS issues at both the national and regional levels.
  - Model CARIFORUM Guidelines on Sanitary Standards for fishery and aquaculture products
  - Model CARIFORUM Sanitary Standards for Fishery and Aquaculture
  - Model Export Control Act
  - Model Supplementary Regulations
  - Model Guidelines on Developing Coordinating Mechanisms for National and Regional Fisheries SPS Governance

Starting point: global perspective

3

- **International trade system**
  - increasing consumer awareness
  - multiple & complex international standards
- **Ensuring / increasing market access**
  - meet standards for difficult export markets, such as the EU
  - ensure long-term access to export markets – challenges are increasing
- **Promoting competitiveness**
  - develop efficient SPS systems which enable CARIFORUM countries to compete in a global market

Starting point: regional perspective

4

- Small export trade in most countries – scope for expansion
- Most previously exported to EU, but now most cannot
- EU market restricted for 15 years – continuing challenge to meet EU and US export conditions
- Continuing private sector interest in EU exports in most countries
- Intra-regional trade subject to some constraints
- Significant challenges in many countries (legislation, administration, technical, etc.)

Common problems

5

- ability to keep up with continually developing regulatory demands from importing countries
- increasing technological advances which require capacity-building, training and funding
- severe challenges due to financial, legal, technological and human resource constraints
- effective fisheries/food safety measures undermined by out-dated and/or fragmented legislation, multiple jurisdictions, surveillance weaknesses, inadequate monitoring and enforcement of regulations, inadequate budgetary allocations and a lack of facilities and trained personnel

The approach

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

6

Identifying the SPS framework

Codex	CrosQ	ISO	Exporters
• Standards • Codes of Practice • Guidelines	• Specifications (Standards) • Codes of Practice	• ISO 22000 (food safety man.)	• EU (food safety Directives, etc.) • USA (FSMA, etc.)

ISO 22000:2005 PRP (GHP,GMP) > HACCP Preparatory > HACCP Principles > Review

Other	WTO	Private / Industry	National
• OIE • IAEA • WHO • ASM	• SPS agreement • TBT agreement	• GFSI • GAA • etc.	• Regulations • Codes of Practice • etc.

Role of International Standards

- Set out globally accepted (and regionally adapted) standards for fisheries and food safety management
- Set the fundamental requirements for food safety and offer a comprehensive code for international best practice
- CROSQ: Organization with a mandate and a process for adopting regional standards exists
- In this context, there needs to be no separate process for regional Standards – focus is on how to implement global Standards at regional level

Pre-Requisite Programme → HACCP Preparatory Steps (6) → HACCP Principles (7) → Management and Review

ISO 22000:2005 Framework

Regional Protocols

9

- Standards do not (necessarily)
  - Provide specific direction on steps to be taken
  - Guarantee compliance with export requirements
  - Indicate steps for a harmonized approach
- Regional Protocols designed to
  - **achieve** these objectives
  - **consistently** with international standards

Standards and export requirements
- Codex Alimentarius, ISO, EU requirements, etc.

CARIFORUM Protocols
- PRP, GHP, GMP, etc.

Role of Protocols

10

- Describe how to implement the global Standards and export requirements
- Contain all technical requirements typically contained in regulations
- Can replace need for detailed regulations in CARIFORUM States
- Management of Protocols
  - Should be managed at the regional level
  - Regional mechanism should be developed to keep Protocols up to date, provide guidance, distribute information, etc.
- Legal Status of Protocols
  - No legal status at regional level (in the short-term)
  - National mechanisms will "incorporate" standards into national law

Scope of Protocols

11

- Focus on pre-requisite programme
- Supported by requirement to implement HACCP

Water Quality Control Protocol	Waste Disposal Protocol
Product Processing Protocol	Facility / Product Protocols
Product Weighing Protocol	Product Traceability Protocol
Product Packaging Protocol	Product Sampling Protocol
Product Labeling Protocol	Facility/Product Bio-security Protocol
Product Storage Protocol	Workers Flow Protocol
Material storage protocol	Equipment Flow Protocol
Product Transport Protocol	Product and Process Flow Protocol
Personal Hygiene Protocol	Pest Control Protocol
Personnel Welfare and Safety Protocol	Pesticides Protocol

National legal requirements

12

- System for implementing Regional Protocols
  - **necessary** for a harmonized approach
  - **assists governments:** national legislative implementation
  - **assists operators**: user-friendly Protocols, with built in guidance
- Implementation of Regional Protocols alone is insufficient
  - technical measures need to be **guaranteed by legislation**
  - technical measures need to be enforceable (licensing) and subject to official checks and controls
  - system needs to be supported by proper governance mechanisms (in particular – Competent Authority)

National legal requirements

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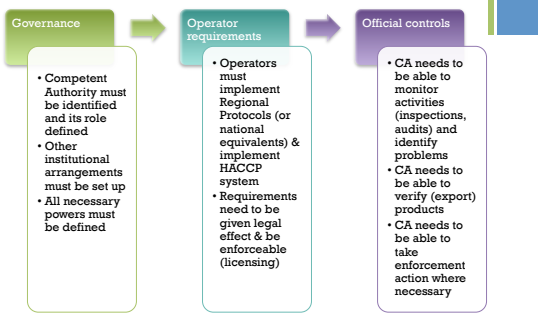
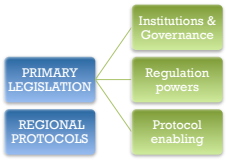


Primary legislation

14

- Essentially concerned with national governance mechanism
  - **define** all powers of government (Minister)
  - **define or enable** competent authority and its role
  - **define or enable** other institutional requirements
  - **provide for or enable** implementation of Regional Protocols
  - **provide for** all necessary regulation making powers

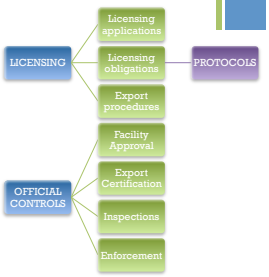


- **2 key questions**
  - division between fisheries specific and general food safety law / governance
  - division between primary and secondary legislation

Secondary legislation

15

- Concerned with:
  - (1) operations in facilities (licensing)
  - (2) conduct of official controls
- **licensing** concerns
  - procedure for applying and granting licences
  - incorporation of Protocols as licence conditions
  - general duties of licensee
  - export procedures
- **official controls** concern
  - export certification
  - appointment and powers of authorized officers
  - enforcement powers and sanctions



Building the framework

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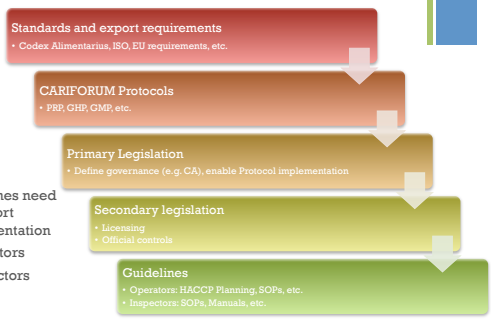
Completing the framework

17



- Guidelines need to support implementation
  - operators
  - inspectors

Completing the framework

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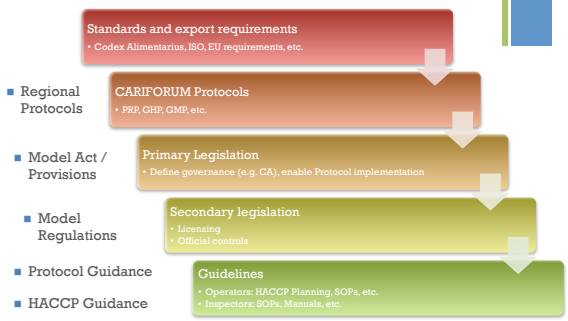

- Regional Protocols
- Model Act / Provisions
- Model Regulations
- Protocol Guidance
- HACCP Guidance

Regional and national governance

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

19

Governing the framework

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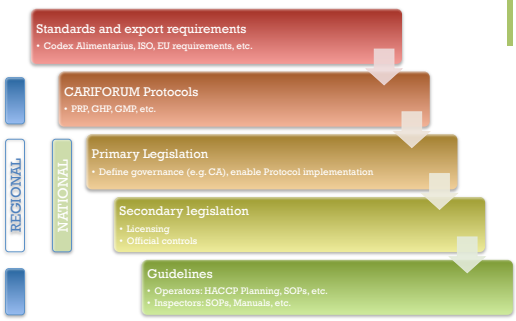

Regional governance: functions

- coordination and cooperation amongst regional institutions concerned with SPS in the fisheries sector
- oversee development and implementation the Regional Framework for SPS in the Fisheries Sector
- manage procedure for adopting, reviewing and updating Regional Protocols
- oversee long-term strategies (e.g. capacity building, national auditing, new cooperation mechanisms)

Regional governance: approach

- Regional MOU
  - coordination mechanism for main regional organizations
  - key objectives include:
    - developing and implementing the Regional Framework for SPS in the Fisheries Sector;
    - cooperating in the development and implementation of other regional approaches and actions in support of SPS measures in the fisheries sector;
    - enhancing the action and operation of each party in the fisheries sector; and
    - avoiding unnecessary duplication of efforts by any party in the fisheries sector
  - specific functions to implement regional SPS framework, including management of Protocols

Regional governance: approach

- Protocol Review Mechanism
  - includes all key actors – regional and national
  - incorporates a process for separating: Standards, Protocols, Guidelines
  - implements a detailed review and adoption process, which includes expert/technical review and requires "ratification" by national governments

National governance

- Clearer definitions of governance in primary legislation
  - **define** all powers of government (Minister)
  - **define or enable** competent authority and its role
  - **define or enable** other institutional requirements
  - **provide for or enable** implementation of Regional Protocols
  - **provide for** all necessary regulation making powers
- Key step is establishment of NAHFSAs
- Key challenge is to connect NAHFSAs with the fisheries sector
  - Fisheries Committee

Indicative stakeholder "map"

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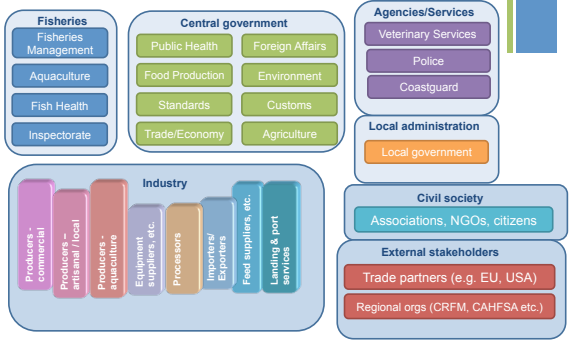

Indicative stakeholder "map"

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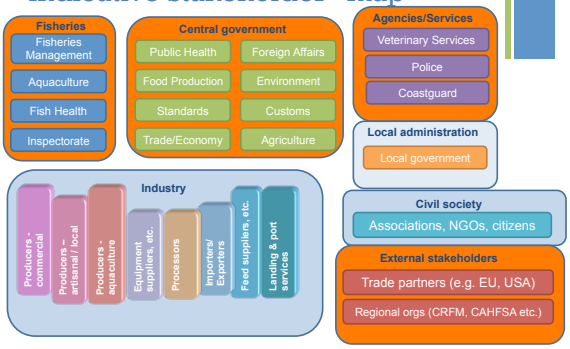

Indicative stakeholder "map"

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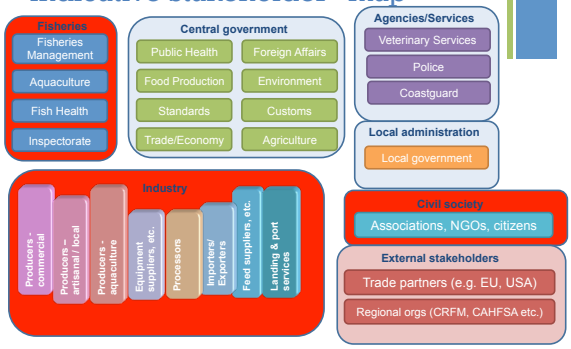

Indicative stakeholder "map"

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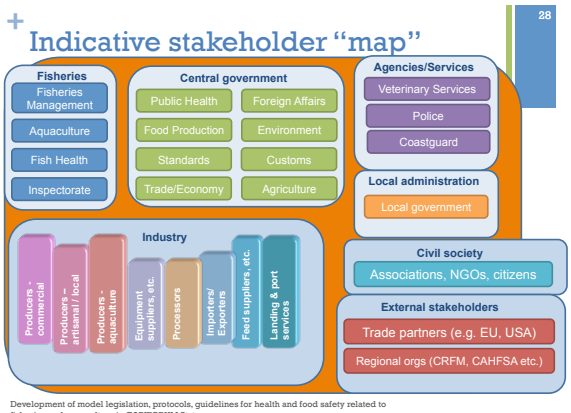

Thank you

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

Programme Funded by the European Union
Implemented by CRFM and IICA
Project implemented by Global Centre for International Law

Regional Validation Workshop
Barbados, 24-25 August 2015

VALIDATION – PROTOCOLS AND MODEL LEGISLATION

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

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Introduction

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

1

Validation tasks

2

- Day 1 – Model legislation
  - Model Regulations
  - Model Protocols

Working Groups

- Day 2 – Regional and National Governance
  - Model Primary Legislation
  - Model Governance Framework (MOU, Protocol Review Mechanism)

Plenary

General objectives

3

- **Provide feedback on overall approach**
  - Identify gaps or opportunities
  - Comment on recommendations / approach
  - Contribute to recommendations for future development
- **Provide feedback on implementation / next steps**
  - Suggestions on how to take process forward
- **Validate recommended CONCEPTS**

Breakout Groups

4

- Chair, Rapporteur

Break-out Group(s)	1	2	3
1 (Review of Model Legislative framework)	Larque Hackshaw(FO)	Felicia Cruz (FO)	Randall Sheppard (LD/CC)
	Delia Cabb (Vet/CA)	Jullan Defoe (FO)	Pearl Richards Xavier (LegAffs)
	Jeannette Mateo (FO)	Jose Altagracia de Jesus Infante (CA?)	Johnson St. Louis (FO)
	Felicia Cruz (FO)	Tracey Challenger (Vet/CA)	Colin James (Vet/CA)
	Paul Wright (FO)	Osbil Watson (Vet./CA)	Samuel Heyliger (FO)
	Addivi Persaud (FO)	Auria King-Cenac (Vet/CA)	Tricia Cypal (Law)
	Alisa Martin (FO)	Juliette Colli-Wongosoredjo (Vet/CA)	Anand Chokand (P)
	Yolanda Babb-Echteld (FO)	Glaston White CNFO)	Farz Khan (CA)
	Sarika Maharaj (FO)	Reuben Charles (P)	Vernel Nicholls (CNFO)
	James Nicholas (P)	Fulgence St. Prix (CROSQ)	Olukemi Sobodu (Law)
			Rommel St. Hill (CCS - Law)

Protocols

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

5

Identifying the SPS framework

Codex	CrosQ	ISO	Exporters

• Standards
• Codes of Practice
• Guidelines
	• Specifications (Standards)
	• Codes of Practice
		• ISO 22000 (food safety man.)
		  • 22000:2005 (guidelines)
		  • 22005:2007 (traceability)
			• EU (food safety Directives, etc.)
			• USA (FSMA, etc.)

ISO 22000:2005 PRP (GHP,GMP) > HACCP Preparatory > HACCP Principles > Review

Other	WTO	Private / Industry	National
• OIE • IAEA • WHO • ASM	• SPS agreement • TBT agreement	• GFSI • GAA • etc.	• Regulations • Codes of Practice • etc.

Regional Protocols

7

- **Achieve** these objectives:
  - Provide specific direction on steps to be taken
  - Guarantee compliance with export requirements
  - Indicate steps for a harmonized approach
- **Consistently** with international standards
- **Capable** of being incorporated into enforceable national obligations

Standards and export requirements
- Codex Alimentarius, ISO, EU requirements, etc.

CARIFORUM Protocols
- PRP, GHP, GMP, etc.

Role of Protocols

8

- Describe how to implement the global Standards and export requirements
- Contain all technical requirements typically contained in regulations
- Can replace need for detailed regulations in CARIFORUM States
- Management of Protocols
  - Should be managed at the regional level
  - Regional mechanism should be developed to keep Protocols up to date, provide guidance, distribute information, etc.
- Legal Status of Protocols
  - No legal status at regional level (in the short-term)
  - National mechanisms will "incorporate" standards into national law

Standard Format for Protocols

9

1. Rationale
2. Standards Implemented
3. Procedures (Technical)
4. Management & Control
5. Documentation / Reporting
6. Guidance

Key questions

10

- Concept of Protocols
  - What are the potential benefits?
  - What are the challenges?
  - SWOT analysis?
- Legal Status of Protocols
  - What should be the legal status?
    - short-term
    - long-term
    - CARICOM machinery?
  - How should they be incorporated at national level?
    - automatic (subject to opt-out)
    - incorporation via licensing (pick'n'mix)
    - conversion into national protocols and/or regulations
- Scope of Protocols
  - What should the Protocols cover?
- Format of Protocols
  - What should be the legal status?

Legislation

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

11

National legal requirements

12

Governance

- Competent Authority must be identified and its role defined
- Other institutional arrangements must be set up
- All necessary powers must be defined

Operator requirements

- Operators must implement Regional Protocols (or national equivalents) & implement HACCP system
- Requirements need to be given legal effect & be enforceable (licensing)

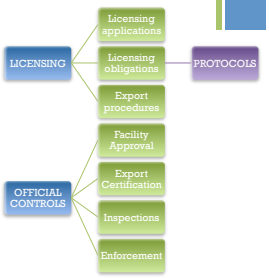
Official controls

- CA needs to be able to monitor activities (inspections, audits) and identify problems
- CA needs to be able to verify (export) products
- CA needs to be able to take enforcement action where necessary

Secondary legislation

13

- Concerned with:
  - (1) operations in facilities (licensing)
  - (2) conduct of official controls
- **licensing** concerns
  - procedure for applying and granting licences
  - incorporation of Protocols as licence conditions
  - general duties of licensee
  - export procedures
- **official controls** concern
  - export certification
  - appointment and powers of authorized officers
  - enforcement powers and sanctions



Key questions

14

- Concept of Licensing Controls
  - What are the potential benefits?
  - What are the challenges?
  - SWOT analysis?
- Scope of Legislation
  - What should the Legislation cover?
  - Are any aspects better placed in primary legislation?
  - Are all aspects of a licensee's obligations covered?
- Official controls
  - As read with Protocols, are official controls sufficient and capable of providing enforcement?
  - Do they incorporate sufficient flexibility?

Regional Validation Workshop
Barbados, 24-25 August 2015

VALIDATION – MODEL LEGISLATION & GOVERNANCE




Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

Programme Funded by the European Union
Implemented by CRFM and IICA
Project implemented by Global Centre for International Law

Breakout Groups

- Chair, Rapporteur

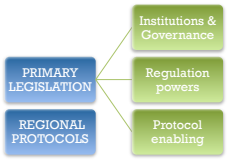
Break-out Group(s)	1	2	3
	Larque Hackshaw	Rosina Maitland	Randall Sheppard
	Mark Harris	Christopher Parker	Johnson St. Louis
	Jeannette Mateo	Jose Altagracia de Jesus Infante	Colin James
	Felicia Cruz	Tracey Challenger	Samuel Heyliger
	Paul Wright	Osbil Watson	Tricia Cypal
	Addlvi Persaud	Auria King-Cenac	Anand Chokand
	Alisa Martin	Juliette Colli-Wongosoredjo	Farz Khan
	Yolanda Babb-Echteld	Glaston White	Vernel Nicholls
	Sarika Maharaj	Reuben Charles	Olukemi Sobodu
	Joyce Leslie	Fulgence St. Prix	Rommel St. Hill
	Andre' Worme	Delilah Cabb	James Nicholas
	Lana McQuilkin	Patrick McConney	Johnson St. Louis
3 (Review of Coordinating Mechanisms for Fisheries SPS Governance)	Desmond King	Beverly Ward	Leonard King
	Jullan Defoe	Sherlock King	

Legislation

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

Primary legislation

- Essentially concerned with national governance mechanism
  - **define** all powers of government (Minister)
  - **define or enable** competent authority and its role
  - **define or enable** other institutional requirements
  - **provide for or enable** implementation of Regional Protocols
  - **provide for** all necessary regulation making powers



- **2 key questions**
  - division between fisheries specific and general food safety law / governance
  - division between primary and secondary legislation

Secondary legislation

- Concerned with:
  - (1) operations in facilities (licensing)
  - (2) conduct of official controls
- **licensing** concerns
  - procedure for applying and granting licences
  - incorporation of Protocols as licence conditions
  - general duties of licensee
  - export procedures
- **official controls** concern
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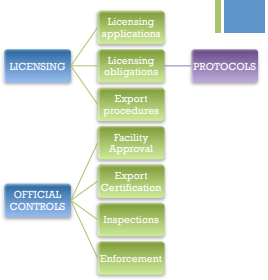

Primary Legislation

- Section 1: Title
- Section 2: Definitions
  - refer to other instruments where possible
- Section 3: Objectives
- Section 4: Designate competent authority
  - option to change
- Section 5: Functions of the competent authority
- Section 6: Advice by the competent authority
  - making sure the Minister listens…

Primary Legislation

6

- Section 7: Advisory committee
  - establish details in regulations, but ensure some basic minimum requirements concerning functions and participation of stakeholders
- Section 8: Rights of appeal
  - licensing decisions: "moderate track" to Minister and court
  - enforcement decisions: "fast track" – CA > Tribunal > Court
    - procedure should be set up in food safety legislation
- Section 9: Protocols
- Section 10: Regulations
- Section 11: Appointment of authorised officers
- Section 12: Duty to assist

Primary Legislation

7

- Section 13: Presumptions
  - other evidentiary and procedural provisions could be included – but better part of an overall FSA
- Section 14: Application to Crown

Governance

Development of model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture in CARIFORUM States

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Regional Governance

9

National Governance

10

Key questions

11

- Primary legislation
  - Objectives
  - Functions of the CA
  - Functions of the AC
  - Appeal procedures
- Secondary legislation
  - Important consideration is **consistency** and **applicability** in each country
    - licensing procedures
    - export procedures
    - control procedures
- Governance
  - Let's continue the discussion – what's needed; what should the structure be
  - What are the strategic priorities (regional, national)

Annex 6 | Photographs of Key Project Activities

Photographs are provided separately in electronic form.

List of photographs collected

- Bahamas – Visit to Tropical Seafood
- Barbados – Fish Market
- Barbados – National Consultation
- Belize – OIRSA and BAHA
- Haiti – Caribbean Seafood
- Saint Vincent and the Grenadines – Fish Market
- Saint Vincent and the Grenadines – Food Processing Establishment
- Trinidad and Tobago – National Consultation

Annex 7 | Consultancy Products

CARIFORUM Regional Fisheries SPS Framework (Green Paper)

CARIFORUM Protocols on Good Fish and Fishery Product Hygiene Practices

- Chemical Use
- Equipment Use and Maintenance
- Packaging
- Personnel Hygiene
- Pest Control
- Product Transport
- Water and Ice Quality
- Worker Welfare and Safety Protocol

CARIFORUM Model Fisheries Export Legislation

- Model Fisheries Export Control Act
- Model Fisheries Hygiene (Certification, Licensing and Control) Regulations

CARIFORUM Guidance on Good Fish and Fishery Product Hygiene Practices

- Guidelines on Developing and Implementing HACCP Plans for Fish and Fishery Products

CARIFORUM Regional Fisheries SPS Framework (Green Paper)

Caribbean Fisheries Regional SPS Framework "Green Paper"

Proposed Framework for Regional Cooperation on CARIFORUM Standards for Fish and Fishery Product Hygiene

10th EDF Programme titled "Support to the Forum of Caribbean States in the implementation of the commitments undertaken under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary (SPS) Measures

October 2015

Funded by the European Union

Caribbean Fisheries Regional SPS Framework

Proposed Framework for Regional Cooperation on CARIFORUM Standards for Fish and Fishery Product Hygiene

Contents

About this Document

This document introduces the proposal for the development of a Caribbean Regional Fisheries SPS Framework. It is the first of four documents, setting out the framework in detail and comprising:

1 **Green Paper on the Caribbean Regional Fisheries SPS Framework**

2 **CARIFORUM Protocols on Good Fish and Fishery Product Hygiene Practices**

3 **CARIFORUM Model Fisheries Export Legislation**

4 Additional Guidance on Good Fish and Fishery Product Hygiene Practices

The document is produced under the Sanitary and Phytosanitary Measures programme, one component of the 10th EDF Programme titled "*Support to the Caribbean Forum of ACP States in the Implementation of Commitments Undertaken Under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary Measures (SPS)*", implemented by the Inter-American Institute for Cooperation on Agriculture (IICA), with the fisheries sub-component being executed by the CRFM Secretariat. The project aims to facilitate CARIFORUM States to gain and improve market access by complying with Europe's Sanitary and Phytosanitary (SPS) measures and to help CARIFORUM states to better develop their own regionally harmonized SPS measures and institutional capability to meet the requirements necessary to maintain and expand on the trade of fish and fish products locally, regionally and internationally.

Acronyms and Abbreviations

APHIS	Animal and Plant Health Service of the USA
CA	Competent Authority
CAC	CODEX Alimentarius Commission
CAHFSA	CARICOM Agricultural Health and Food Safety Agency
CARDI	Caribbean Agricultural Development Institute
Carib-Vet	Caribbean Animal Health Surveillance Network
CARICOM	Caribbean Community
CBD	Convention of Biological Diversity
COTED	Council for Trade and Economic Development
CROSQ	CARICOM Regional Organization for Standards and Quality
CSME	Caribbean Single Market and Economy
EPA	Economic Partnership Agreement
FAO	Food and Agricultural Organization of the United Nations
FDA	Food and Drug Administration
GAP	Good Agricultural Practice
GMOs	Genetically Modified Organism
HACCP	Hazard Critical Control Point
ICPM	International Commission on Phytosanitary Measures
IICA	Inter-American Institute for Cooperation in Agriculture
IPPC	International Plant Protection Convention
ISO	International Organization for Standards
MS	Member State(s)
MRL	Maximum Residue Limits
NAHFSA	National Agricultural Health and Food Safety Agency
NARI	National Agricultural Research Institute
NEPA	National Environmental and Planning Agency
NGO	Non-Government Organization
OECD	Organization for Economic Cooperation and Development
OECS	Organisation of Eastern Caribbean States
OIE	Office of International des Epizootics
PAHO	Pan American Health Organization
PVS	Performance Valuation Strategy Tool

SPS	Sanitary and Phytosanitary Measures
USDA	United States Department of Agriculture
UWIC	University of the West Indies Consulting Unit
VPH	Veterinary Public Health
WHO	World Health Organization
WTO	World Trade Organization

Part 1 Introduction

1.1. Background

The fisheries sector is important for CARIFORUM States as it provides employment, contributes to food security and to export earnings. Direct employment in marine fisheries and aquaculture is over 120,000, with suppliers of goods and services and other indirect service contributing over 350,000 jobs. Total marine fish production is estimated to be over 180,000mt (2012), with the fish being sold mainly on the domestic market. A proportion – mainly. but not only. industrial catches – are exported, usually after some primary level processing (freezing and packaging). The total earnings from marine capture fisheries and aquaculture export was over USD 191 million in 2012. The main export markets are in the United States, the European Union (at least for some countries) and intra-regional, although small levels of exports also take place to other countries, including increasingly in Latin America and Asia.

The development, and even maintenance, of international fisheries markets raises significant challenges. These include: increasing food safety awareness amongst consumers; continually developing regulatory demands from importing countries; increasing technological advances which require capacity-building, training and funding; etc. Similar to other developing and in-transition regions, Caribbean countries are faced with severe challenges due to financial, legal, technological and human resource constraints. In most CARICOM countries, effective agricultural health and food safety control measures, including those for fisheries, are undermined by the existence of out-dated and/or fragmented legislation, multiple jurisdictions, weaknesses in food-borne related diseases (FBDs) surveillance, inadequate monitoring and enforcement of regulations, inadequate budgetary allocations and a lack of facilities and trained personnel.

The implementation of SPS measures offers the potential to expand exports of food and agricultural products in MS. With agricultural production being the focal point of the economies of most developing countries, such food protection measures are essential. Creating and sustaining international trade in food products **rely** on building the trust and confidence of importers and consumers in the integrity of the region's food systems. A sound animal health strategy ensures a high level of public health and food safety by minimizing the incidence of biological and chemical risks to humans, promotes good farming practices, minimizes negative environmental impacts and supports sustainable development.

On the other hand, it is recognized as imperative that MS maintain and develop export markets for their fisheries products which means ensuring that the very stringent internationally acceptable food safety standards are met routinely within the region. In some MS these constraints mean that the export requirements of the EU are not able to be met, even though there are private sector operators that have fully operational systems such as HACCP and meet relevant international standards. Even in those countries that do export to the EU, it is recognized that vigilance needs to be maintained to ensure long-term access.

Currently, various regional initiatives are taking place with a view to strengthening regional SPS. Most significantly, the Caribbean Agricultural Health and Food Safety Agency (CAHFSA) has started to operationalize, and to implement its Strategic Plan (Road Map) and Medium Term Work Plan. The Inter-American Institute for Cooperation on Agriculture (IICA) has been involved in a number of initiatives through its Agricultural Health and Food Safety programme, some in conjunction with other regional organizations, such as the Caribbean Regional Fisheries Mechanism (CRFM), or global organizations, such as the OIE. Within this context, the current document is produced under the EU-funded, 10th EDF Programme *Support to the Caribbean Forum of ACP States in the Implementation of Commitments Undertaken Under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary Measures (SPS)*, implemented by IICA, with the fisheries sub-component being executed by the CRFM Secretariat. The project aims to facilitate CARIFORUM States to gain and improve market access by complying with Europe's Sanitary and Phytosanitary (SPS) measures and to help CARIFORUM states to better develop their own regionally harmonized SPS measures and institutional capability to meet the requirements necessary to maintain and expand on the trade of fish and fish products locally, regionally and internationally.

1.2. Regional Legal and Institutional Framework

It is recognised that ensuring the long-term development of fish and fishery product hygiene and food safety will require action both at the regional and national levels. Regionally,

1.2.1. CARICOM

The Revised Treaty of Chaguaramas impacts on a regional SPS framework in a number of ways. Most directly, Article 57 of the Revised Treaty, speaks of the implementation of the Caribbean Community Agriculture Policy for achieving the goals as set out in Article 56, in order to support among other objectives: the establishment of an effective regime of sanitary and phytosanitary measures. However, many other parts of the Revised Treaty also elaborate the framework for

regional SPS; particularly relevant are provisions in Chapter 5 on 'Community Trade Policy', Chapter 7 on 'disadvantaged countries, regions and sectors', Chapter 8 on 'competition policy and consumer protection' and Chapter 9 on 'dispute settlement'.

Fisheries exports are an integral part of Community Trade Policy, the goal of which under Chapter 5 includes "the sustained growth of intra-Community and international trade". Among the objectives of Community Trade Policy under the Treaty are the active promotion of export of internationally competitive goods and services originating within the Community; the establishment of common instruments, common services and the joint regulation, operation and efficient administration of the internal and external commerce of the CSME; and participation and joint representation in international and regional organizations governing international and regional trade.

Trade in fisheries products is also a component of the Caribbean Single Market and Economy (CSME), and the harmonization of SPS measures across CARICOM countries is one area where significant implementation deficits exist. The core CARICOM institutions, including the Secretariat and COTED, have a role to play in guiding and developing policy, and assisting agencies such as CAHFSA and CRFM in the development and implementation of proposals and programmes for the achievement of the objectives of the Community.

1.2.2. Caribbean Agricultural Health and Food Safety Agency (CAHFSA)

The Caribbean Agricultural Health and Food Safety Agency (CAHFSA) is mandated to provide regional and national support to the countries of the Caribbean in establishment, management and operations of their agricultural health and food safety programmes and more specifically to execute on behalf of those countries such actions and activities that can be more effectively and efficiently executed through a regional mechanism. It aims to compliment and build upon existing Caribbean programmes in animal and plant health and food safety in support of National Agricultural Health and Food Safety Services for Member States, and will specifically plan, organize and implement activities that will assist regional and national authorities to more effectively and efficiently fulfil their food control programmes from "farm to fork" and facilitate increased trade and improved human health.

Its specific objectives include, to:

- provide a framework for the continuous monitoring and evaluation of national and regional agricultural health and food safety programmes and the provision of technical support directed at strengthening the respective programmes.

- provide an effective mechanism for partnership in the efficient use of scarce human and financial resources and infrastructure in protecting human, plant and animal health.
- provide a mechanism for the coordination and integration of technical support to stakeholders by the Regional and International Organizations.
- facilitate the development of regional SPS standards and the use of such standards as well as international SPS standards.
- strengthen the legal framework for SPS issues.
- facilitate the harmonization of technical procedures in relation to matters such as Good Agricultural Practices (GAPs), Good Manufacturing Practices (GMPs), HACCP, quarantine systems, surveillance and laboratory analysis.
- provide a framework for the identification and definition of the human and financial resource requirements or national health and food safety programmes, and the determination and execution of strategies to address deficiencies, including the training of personnel and the mobilization of external funds.
- provide a mechanism for regional consensus building on SPS issues that can be represented in international fora such as SPS Committee of WTO, FTAA, Codex Alimentarius Commission and IPPC.

Promotion of the development and use of regional and international SPS standards; support for the development and strengthening of legislative framework; and, harmonization of technical procedures, are among the key functional areas of focus for CAHFSA.

1.2.3. Caribbean Regional Fisheries Mechanism (CRFM)

CARICOM established the Caribbean Regional Fisheries Mechanism (CRFM) in 2002 to promote and facilitate the responsible utilization of the Region's fisheries and other aquatic resources for the economic and social benefits of the current and future population of the region. All CARIFORUM States are members of the CRFM, with the exception of the Dominican Republic (which cooperates closely through a Memorandum of Understanding).

The objectives of the CRFM are: (a) the efficient management and sustainable development of marine and other aquatic resources within the jurisdiction of Member States; (b) the promotion and establishment of cooperative arrangements among interested States for the efficient management of shared, straddling or highly migratory marine and other aquatic resources; and (c) the provision of technical advisory and consultative services to fisheries divisions of Member States in the

development, management and conservation of their marine and other aquatic resources.

In order to address SPS issues in marine fisheries and aquaculture, a plan is outlined in the CRFM's Strategic Plan and Biennial work plan, which represents a consensus of Member States priorities, under Strategic Objective C: Sustainable Management and Use of Fisheries Resources. The overall aim of the SPS plan is to reduce post-harvest loss, improve the quality of fish and fisheries products, and improve infrastructure for marketing and trade of fish and fisheries products to meet domestic needs and international standards.

1.2.4. Caribbean Standards Organizations (CROSQ)

The CARICOM Regional Organisation for Standards and Quality (CROSQ) is the regional centre for promoting efficiency and competitive production in goods and services, through the process of standardization and the verification of quality. In this regard, CROSQ aims to support international competitiveness for the enhancement of social and economic development of the region.

It has adopted at the regional level two of the major Standards relating to fisheries SPS – *Code of Practice for Fish and Fishery Products* (CRCP 4: 2010) and *Code of Practice for Food Hygiene - General Principles* (CRCP 5: 2010). In terms of a role within a regional framework for fisheries SPS, CROSQ would have a general and a specific role. Specifically, it would maintain its role as the regional standard setting body and – where appropriate Standards relating to fisheries hygiene, production and trade are identified, CROSQ's normal procedures would continue to apply, with the support of the other institutions involved in the regional framework. On the other hand, in the development of implementation of SPS measures more widely and in particular the development of Protocols and Guidelines, CROSQ has considerable experience and expertise to being to other participants and can be expected to undertake an advisory role.

1.2.5. Caribbean Community Common Fisheries Policy

Finally, the recently approved Caribbean Community Common Fisheries Policy includes several provisions addressing Sanitary and Phytosanitary (SPS) issues in fisheries, including 3 of the 9 objectives (Art 4.3(b) (g) and (i)), and Article 18 which calls for cooperation in the development of: harmonised food quality assurance legislation; harmonised intra-regional SPS measures; common marketing standards for fisheries and aquaculture products; and (d) national or common policies, measures and standards to (among other things): develop new and existing markets in fishery products including external markets for the Caribbean region's fisheries products and facilitate trade between the Participating Parties.

Part 2 Need for a Regional SPS Framework

2.1. Introduction

The fundamental requirement of any successful trading, regional or international, in today's trading environment is compliance with international trade protocols and measures. The effectiveness, reliability and competence of the inspection and certification body rely on the adoption, implementation and maintenance of acceptable SPS measures. This is integral to advancing trade. In this context, CARICOM MS have recognized the importance of the development and application of a harmonized SPS system. Such a system has the potential to build and share capacities, generate administrative and legal efficiencies, strengthen SPS measures across the region and facilitate intra-regional and external trade. Harmonization implies the application of SPS measures by MS which must be science-based, non-tariff restrictive/non-discriminatory and transparent. The following sections review some of the critical advantages to developing a region-wide system.

2.1. Regional coordination

The emergence of CAHFSA is a critical element in the path towards regional SPS strengthening. CAHFSA as a responsible regional body has a mandate both to coordinate, implement, monitor and evaluate the national SPS programmes of MS, as well as to developed harmonized and/or integrated regional approaches. However, CAHFSA will need to ensure that it does not duplicate activities of other Caribbean institutions, but rather work in close collaboration with these institutions to achieve harmonization. CROSQ for example, will continue its role of establishment and harmonization of standards to enhance efficiency and improve quality in the production of goods and services to protect the consumer and the environment and improve intra and extra-regional trade.

Likewise, the activities of CAHFSA and other regional organizations in the sector will have implications for the CSME. In this regard, one of CAHFSA's indicative tasks is that of developing relevant administrative procedures and technical measures / protocols, as are required to achieve an effective and reliable SPS regime to deal with regional agricultural health and food safety issues. This must be carried out consistently with the development of the CSME, however. In particular, it must be capable of putting in place acceptable health and safety standards to reduce and ultimately eliminate existing SPS-related challenges, which at the same time promote competitiveness and facilitate trade.

These challenges indicate the need for formal or semi-formal cooperation arrangements, including information sharing, amongst the key institutions concerned. Such arrangements would need to involve as a minimum the three "core" organizations concerned – CAHFSA, CRFM and CROSQ, but might be extended to other organizations, such as CARPHA. The arrangements would also need to consider the networking amongst other relevant organizations and national authorities.

2.2. Harmonization

All countries are faced with the same challenge of food safety measures in accordance with acceptable international standards. In this regard, the production and implementation of operating protocols in each MS is guided by the same group of already established models, such as those of the competent international authorities, the OIE, IPPC and CODEX or those established by regional bodies such as the EU.

MS can collectively strengthen their SPS capabilities, and benefit from administrative efficiencies, if protocols to implement these Standards are developed at the regional level. A regional approach is able more easily and more effectively to take stock of regional and international best practices and to learn from successful (and non-successful) experiences. Moreover, since in principle each MS needs to carry out a broadly similar exercise, the principle of "develop once, use many times" can be applied if MS are able to access a regional system. The benefits of combining capacities, and reducing national administrative burdens, also make it easier for the protocols to be developed and updated in light of new requirements.

Removing intra-regional trade barriers

A further benefit to regional harmonization concerns the limiting of intra-regional trade barriers. The use of subtle protectionist measures, which may safeguard local industries and markets, when applied to goods of CARICOM origin, can hamper intra-regional trade and restrain the pace of the finalization of a functional CSME trade bloc. Non-Tariff Measures that have been, and are still being employed, by CARICOM countries are as follows: price control measures, financial measures, import licensing requirements, monopolistic measures, technical measures and SPS measures. These have served to frustrate intra-regional trade initiatives. Principles of harmonization and equivalence can serve to considerably reduce the risks and impacts of such protectionist measures.

Regional Protocols

To achieve the important objectives of equivalency and harmonization of Regional SPS standards and measures, the proposal is that a pre-selected set of model protocols and procedures which are considered to be of primary importance to export trade and a prerequisite to enhance food safety be adopted and implemented in the shortest time possible. This would require the approval of each MS (and a procedure for adoption is also therefore recommended).

Importantly, the selected model protocols should allow for the achievement of at least a minimum level of compliance with acceptable international standards when implemented. This would be in addition to initiating the long-overdue attempt at Regional SPS harmonization and the recognition of equivalency.

2.3. Collective capacity strengthening

A regional framework could bring other advantages – for example, facilitating region-wide technical cooperation, providing avenues for information sharing inside and outside the region, developing coordinated negotiating positions in respect of EPA negotiations and other diplomatic negotiations.

Another area where there is potential for new benefits concerns representation at international meetings. There is much variation in the levels of representation by MS at meetings of the various international bodies (OIE, the Codex Alimentarius, the IPPC, etc.). There is the potential for a regional framework to develop a regional support and reporting system, providing wider coverage and increased technical support at meetings. Information from international meetings often is not communicated to either the private sector or within the public sector. The Ministries of Foreign Trade generally pass on information pertaining to international meetings to the relevant ministries. The private sector, however, could benefit from greater sharing of information on the dialogue which takes place at these international meetings.

2.4. Strengthening national legislation and governance

At the same time as strengthening the regional framework, national legislation and governance needs to be strengthened. This is in part a function of a regional framework, and partly something that needs to occur solely at the national level.

The basic food safety rules, which should serve as a guide in the development of regional and naitional SPS Measures, are stated in the EU's general food safety rules, outline a framework of regulatory control based on six internationally accepted elements for a national food control system:

- Modern Food Law and Regulation

- Coordinated Food Control Management
- Well-trained and effective inspection services
- Accredited Laboratory Services
- Effective Information, Education and Training
- Institutionalized public and private sector cooperation

In most Member States, there is scope for considerable progress in each of these areas. One function of the regional framework should be to identify those areas in which capacity could be built regionally or sub-regionally, rather than in individual MS. For example, all laboratories which provide services in support of national animal health and food safety objectives should build capacity towards formal internationally recognized accreditation (e.g. ISO 17025). But strategically, the needs of some countries, especially those, small and geographically closely located, may be better met from a regional or sub-regional facility.

The speedy implementation of a National Agricultural Health and Food Safety Agency (NAHFSA) with the consolidation of all responsibility for protecting animal health and public health, with clearly defined terms of reference, is the key step that needs to be realised. The benefits that result from a single agency approach to food control include uniform application of protection measures, ability to act quickly to protect animals and consumers, cost efficiency, more effective use of resources and expertise, the harmonization of standards, the capacity to quickly respond to emerging challenges/demands of the domestic and international marketplace and the provision of more streamlined and efficient services. However, the roles, functions and procedures of the NAHFSA need to be clearly and formally defined, and their operation needs to be evaluated and reviewed.

Part 3 Caribbean Fisheries Regional SPS Framework

3.1. Overview

The overall objective of increasing production and trade in agriculture and fisheries that meets international standards while protecting plant, animal and human health and the environment, can only be achieved through a combination of regional and national cooperation and implementation. The vision needs to reflect both the long-term needs of the region and the short-term constraints.

The current action is directed towards creating and/or strengthening the Regional and National SPS systems through systematic focus on the:

a) establishment of a sound and comprehensive national and regional legislative framework for food safety, plant and animal health in the fisheries sector; and,

b) development and organization of an efficient responsive institutional framework and mechanism for coordination of SPS issues at both the national and regional levels.

In developing a comprehensive institutional and legislative framework, consideration is given in particular to identifying those actions which can most efficiently and effectively be achieved at the regional level, and those which should remain at the national level (with regional support).

Significant in this context is that there is **considerable existing standardisation in food safety and SPS**. Relevant Standards, Codes of Practice, Guidelines (hereafter referred to just as "Standards") and other documents are produced by various global organizations - foremost *Codex Alimentarius* and the *International Standards Organization,* but also the World Organisation for Animal Health (OIE), the World Health Organization (WHO) and others. At the regional level, some of these Standards have been taken up by CROSQ and adapted to the Caribbean context.

The Standards need to be implemented taking account of other international rules (for example, those of the World Trade Organization concerning SPS and technical barriers to trade) and – as appropriate – specific national requirements.

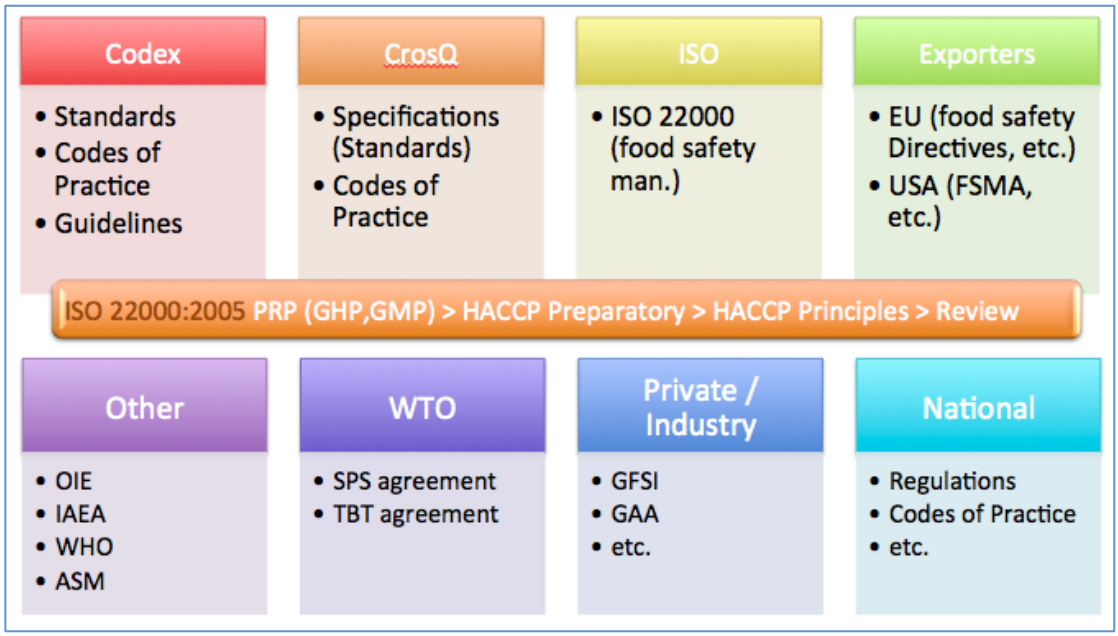


Figure 1 - Overview of the International Standards Framework

These Standards (etc.) set out globally accepted standards for fisheries and food safety management providing fundamental requirements for implementing international best practices in food safety. In this context, there is no benefit in general to developing alternative Standards at the regional level. (Moreover, where there is a perceived need to develop regional Standards, there exists in CROSQ the organization with the mandate and process to undertake that task).

While Standards provide the framework, they leave some challenges and limitations for countries in the region. These include:

- **Lack of specific direction for regulatory transposition**: the Standards are not always written in language that is easily capable of transforming into legally enforceable requirements at the national level, or may be merely advisory or technical guidance that is not intended to be regulatory. There therefore exists a need for a "regulatory bridge" to identify and prescribe legally enforceable provisions at the national level.

- **Not necessarily sufficient for meeting third country import rules**: while adherence to international Standards can ensure good food safety practices, it does not necessarily ensure that the specific requirements of importing countries will be met. Whilst such requirements are almost invariably also based on the same international standards, there may be specific requirements or specific methods of implementation that need to be met in the third country regulations. This leads again to the need for a "regulatory bridge" to ensure that the method

of applying food safety Standards at the national level is consistent with (or equivalent to) that required in any countries that fish exports are sent to.

- **No single method of application**: the various Standards combined do not present a single, cohesive code of food safety management. While the HACCP safety system runs through all the Standards as the principal tool for managing food safety risks, consistently with the Standards, in practice there can be substantial variation in how the Standards might be applied. Factors that can influence food safety methodologies include (among others) the products and processes involved; national and regional food safety policy; national legislation; national consumer attitudes; economic circumstances; subjective determinations (e.g. the risk level, the efficacy of risk management procedures, etc.). Without harmonizing instruments, therefore, specific requirements elaborated at the national level will vary from country to country.

In order to fill these gaps and meet these challenges, the following components are foreseen within the Caribbean Fisheries Regional SPS Framework:

1 A **regional governance mechanism**, established by means of a trilateral **Memorandum of Understanding** between CAHFSA, CRFM and CROSQ.

2 Corresponding **national governance mechanisms**, centred around the establishment of **National Agricultural Health and Food Safety Agencies** (NAHFSA).

3 A regionally-agreed set of **Standards, Protocols and Guidelines** adopted through a **mechanism** for development and approval.

4 **Model legislation** which permits for the incorporation of the regionally-agreed Standards, Protocols and Guidelines into national law, whilst respecting the national regulatory and control requirements needed to ensure national food safety and export regulation compliance.

3.2. Regional Governance

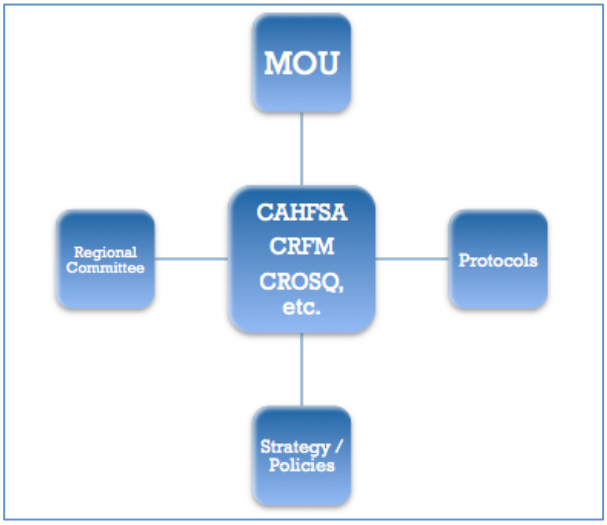
The starting point for any development of regional frameworks for setting, regulating and monitoring SPS standards must necessarily be an appropriate system for regional cooperation and governance. Thus, a mechanism at the regional level is required to develop and implement regional approaches in the SPS sector (including bit not necessarily limited to those for fisheries); to cooperate in the development and implementation of other regional approaches and actions in support of SPS measures in the fisheries sector; and to ensure and enhance the efficient functioning of regional organizations – which have overlapping responsibilities – in this field.

An effective governance mechanism requires: (1) full involvement and proper coordination amongst the regional institutions directly concerned (at least CAHFSA, CRFM and CROSQ, but possibly also other organizations); (2) clearly defined objectives for cooperation; (3) clearly defined roles, responsibilities and procedures for the implementation of specific areas of cooperation; and (4) mechanisms for coordination with national authorities concerned with SPS.

At the same time, the Regional SPS framework aims to support harmonization of standards, procedures and systems within the region, to develop common approaches and cooperative approaches in areas such as laboratory accreditation, conformity assessment, representation in international meetings, project development and funding, exchange of information, etc.

Given the pre-existence of CARICOM institutions with responsibilities for SPS in the fisheries sector, it is proposed that a quasi-formal mechanism is established by means of a trilateral **Memorandum of Understanding**. (A draft MOU is presented in **Annex 1**).

The overall purpose of such an MOU would be to establish the boundaries, forms and objectives of cooperation amongst the key institutions (being, as a minimum: CAHFSA, CRFM and CROSQ). Through the MOU, these organizations would: establish a mechanism through which to cooperate (a Regional Committee); develop and consult on regional strategies and policies; and oversee the development of the Regional Protocols on SPS measures (see below).



Thus, the MOU would have specific and general objectives for the Parties as follows:

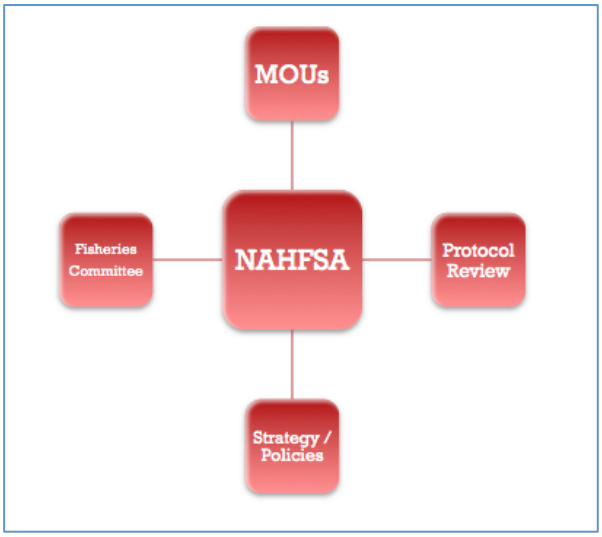
- developing and implementing the Regional Framework for SPS in the Fisheries Sector;
- cooperating in the development and implementation of other regional approaches and actions in support of SPS measures in the fisheries sector;
- enhancing the action and operation of each party in the fisheries sector; and
- avoiding unnecessary duplication of efforts by any party in the fisheries sector.

- A specific role for the Parties would be to review and adopt proposed Standards, Protocols and Guidelines through a specifically developed mechanism (see section **Error! Reference source not found.**).

- In addition there are agreements to cooperate generally in areas such as technical cooperation, capacity building, information exchange and international representation.

3.3. National governance

Regional governance needs to be supported by and needs to help develop effective national governance. This is a joint effort – regional governance needs to support and feed into national governance mechanisms, and national governance systems need to support and feed into the regional governance mechanism. Moreover, the functions of the national governance mechanism are broadly similar to those at the regional level and the national governance system could closely mirror the regional governance model. Thus, there needs to be high-level coordination across government involving the key governmental, and preferably non-governmental, actors in order to strengthen national governance, with coordination mechanisms defined in legislation of MOUs (or ideally, a combination of both).



In this regard, the speedy implementation of a National Agricultural Health and Food Safety Agency (NAHFSA) with the consolidation of all responsibility for protecting animal health and public health, with clearly defined terms of reference, has considerable merit. It acknowledges the high priority that Governments place on food safety initiatives. The benefits that result from a single agency approach to food control include uniform application of protection measures, ability to act quickly to protect animals and consumers, cost efficiency, more effective use of resources and expertise, the harmonization of standards, the capacity to quickly respond to emerging challenges/demands of the domestic and international marketplace and the provision of more streamlined and efficient services.

The NAHFSA should be considered as a major component of the governance structure, since it is the only institution which connects all of the stakeholder groups (being the Fisheries Department, other central government departments, the local

administration units of central government departments, industry stakeholders, NGOs and external stakeholders; such as, regional fisheries organisations).

A specific element that should be emphasized at the national level is the need to attach a higher priority to developing strategic national visions and national implementation strategies, plans and policies for fisheries SPS. Implementing and maintaining new approaches in fields such as fisheries SPS is a complex, long-term and challenging process. It presents a government with many choices and options, but also raises many challenges, such as prioritising and selecting the right options to achieve policy aims, and identifying and procuring the necessary financial, technical and human resources to implement those options.

Deciding how and when to use the functions and powers is a complicated matter – and one which can only be determined effectively with a clear strategy of what needs to be achieved, what resources are available, what mechanisms can be utilised, etc. An **implementation strategy**, as part of the overall policy framework, therefore needs to be developed to build [a] [the] roadmap for implementation.

A common vision, shared by all major stakeholders, at the national level is a pre-requisite to the development of a fisheries export policy, and to provide a foundation for decisions concerning implementation of regional measures and national legislation (see Annex 3 for further elaboration of these principles). There are several reasons why the development of a national vision and the elaboration of explicit objectives are essential:

- It is **indispensible support** to the political decision to develop (and provide government finance for) such a policy.
- A shared vision entails a process which **promotes understanding** of the importance of a country's fisheries industry, amongst all stakeholders.
- It **highlights national issues** related to fisheries export and **brings together** all government administrations and all major stakeholders into a common process.
- It builds a common understanding on the **priorities for national fisheries policy** and on the **objectives** of integrating fisheries export policies with other sectors.

Having such a strategic vision at the national level not only assists national governments and stakeholders in strengthening the sector, but it also enables national governments to properly inform regional processes and ensures that regional mechanisms properly reflect national needs.

3.4. Regional Protocols

A key feature proposed in the Caribbean Fisheries Regional SPS Framework is the establishment of a system of **Regional Protocols**. These Protocols may be defined as a set of regionally-agreed rules and principles, which may incorporate in whole or in part any global, regional or national Standard, with which compliance is intended to be mandatory in national legal systems.

They would form part of an overall system of Standards, Protocols and Guidelines, but differ in form and intention from the other types of document. Thus, a **Standard** means a guideline approved by a recognized body that provides for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory (Agreement establishing the CARICOM Regional Organization for Standards and Quality, Art. 1) and **Guidelines** means any document or set of documents, other than a Standard or Protocol, which describes best practices characteristics for products or related processes and production methods.

Thus, the system does not intend to replicate, revise or develop specific regional **Standards** – in this context, it does not displace or affect the role of CROSQ as the primary body responsible for the development of Standards. What it seeks to do is to identify the measures in those Standards, along with other regulatory requirements necessary to ensure Caribbean fishery products are export ready, and to define the rules and principles that need to be applied.

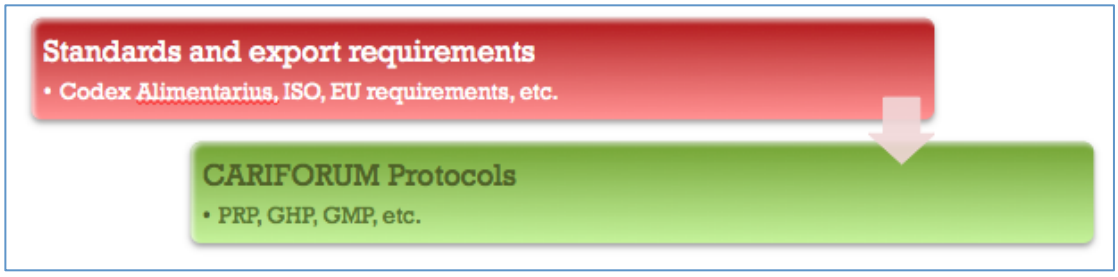


Figure 2 | Implementation of Standards through Regional Protocols

The Regional Protocols in themselves would be voluntary (i.e. non-binding) instruments at the regional level,[1] but would be intended to be adapted into national legal systems as regulatory instruments (see below).

[1] In principle, supported by the requisite CARICOM or other inter-governmental machinery, such Protocols could be binding on all Member States at the regional level. However, such a mechanism would be complex to set up and would need to be subject to detailed political and legal consideration and the regional and national levels. It is therefore not

Figure 3 | Transposing Regional Protocols into National Legislation

By integrating the adoption of the Protocols into the national legislation, the process enables regionally adopted Protocols to be incorporated on a fast-track basis into national regulatory systems. The precise mechanism at the national level to achieve this is determined in the discretion of each national government (and is not mandatory – without action at the national level, the Protocols do not create legal effects). However, by integrating these documents the facility exists to incorporate regionally adopted Protocols simply and quickly, thereby alleviating the need at the national level to monitor the movement in international standards and to revise national legislation. This addresses one of the key constraints for CARIFORUM countries, that is the challenge of keeping legislation up to date with international requirements.

The purpose of the Protocols is thus to define a single regulatory approach to implementing the international Standards in a manner that is capable of delivering:

- high standards of national food safety;
- compliance or equivalence with the requirements relating to international export markets;
- a harmonized approach that will facilitate intra-regional trade; and

recommended at this stage, but consideration could be given to developing such a regional system in the longer-term.

- efficient regulatory controls, which ensures food safety / SPS compliance while enabling operators to work in a competitive environment, without unnecessary regulatory, administrative and technical burdens.

Since Caribbean countries have **shared common goals for improving food safety and increasing fisheries exports** and since there is a common framework for food safety Standards, there is considerable logic to a harmonized regional framework. At the same time, by establishing a harmonized regional framework, Caribbean countries can collectively strengthen their SPS capabilities, and benefit from regulatory and administrative efficiencies. For example:

- A regional approach is able more easily and more effectively to take stock of regional and international best practices and to learn from successful (and non-successful) experiences within the region and globally.

- Moreover, since in principle each country is operating to apply the same framework of Standards, and has broadly similar objectives of trying to export fish products and develop the highest safety standards nationally, each MS needs to transpose closely similar requirements into national legislation. By adopting measures developed once at the regional level, MS can benefit from a "develop once, use many times" approach – the burden of developing national regulatory requirements can be shared at the regional level, rather than replicated many times at the national level.

- This approach also addresses one of the key constraints in all MS – that of maintain up-to-date regulations which reflect the moving goalposts of international food safety requirements - by combining capacities and effort at the regional level, and developing updates once that can be used many times, it becomes much easier for MS to keep national regulations up-to-date.

A final advantage of the use of regional Protocols for food safety regulation is that the Protocols can be organized and presented in a way which is more "user-friendly" than legislation alone. In particular, the Protocols can be organized by procedure (for example, addressing a specific pre-requisite programme component), and can be written in less-legalistic language. This assists both food safety personnel in following the required procedures, and also public officials in monitoring and recording compliance.

Selected draft Protocols have been prepared, along with Guidelines on Developing and Implementing HACCP Plans for Fish and Fishery Products. Ultimately, the draft Protocols should be designed to provide a complete system for an EU-equivalent

pre-requisite and control programme. These would need to be subjected to the review process in Annex 2, before formal adoption.

3.5. Model legislation

Strengthening national legislation is a key requirement to improving fisheries SPS standards in the region. Therefore, the final element of the overall system for fisheries SPS is model national legislation, designed to transpose the Protocol requirements into national legislation and to provide the corresponding institutional, licensing, control and enforcement mechanisms that are required. This could be achieved in a number of ways, ranging from a regional mechanism to transcribing the protocols into national regulations. What is proposed, however, is a "hybrid" mechanism that allows Member States to take advantage and use regional Protocols in their national legislation while at the same time preserving national jurisdiction and authority over national food safety policy and legislation.

The model legislation address 4 main issues:

1 **A mechanism to incorporate the Protocols into national legislation.** This needs to be enabled in primary legislation, supported as necessary by specific regulations, and can be done in one of three ways –

i. by direct and automatic incorporation of the Regional Protocols into national legislation (i.e. it is possible to rely in the Protocols directly, without the need for further regulation at the national level);

ii. by manual incorporation into a national Protocol (with or without modification);

iii. by formal transposition into national regulations (with or without modification).

The first method has the advantage of simplicity, but perhaps offers less discretion at the national level concerning implementation. A "safety net" is provided, however, which enables alternative or additional national rules to be adopted which complement or displace any regionally agreed Protocol.

2 **Governance**. The roles and responsibilities of government need to be defined, and the mechanisms for inter-ministerial coordination, decision-making and stakeholder consultation need to be defined.

3 **Licensing.** The second component concerns licensing, which is the key mechanism to implement, monitor and control the technical requirements in the Regional Protocol. Thus, compliance with the technical requirements in the

Regional Protocol (or, if implemented, the National Protocol or national regulations) becomes a pre-condition for obtaining a licence and conditions for maintaining the licence.

4 **Control.** The national authorities need to be equipped with the full range of tools and powers to be able to monitor activities in processing facilities and to take action in cases of suspected non-compliance.

Within the current proposals, a Model Export Act for fisheries has been drawn up, along with implementing Regulations (with both documents needing to be read in conjunction with the model Regional Protocols). The development of these documents, however, needs to be considered at the regional and national levels in light of other developments in food safety regulation in the region, and the possibility for integrating some or all of the requirements into overall food safety law should be considered.

Annex 1 | Memorandum of Understanding on a Regional Framework for Fisheries Trade Standards

DRAFT Memorandum of Understanding on a Regional Framework for SPS in the Fisheries Sector

between

the CARICOM Regional Organisation for Standards and Quality (CROSQ), the Caribbean Agricultural Health and Food Safety Agency (CAHFSA) and the Caribbean Regional Fisheries Mechanism (CRFM)

This Memorandum of Understanding is made on ..... 2015 between the CARICOM Regional Organisation for Standards and Quality (CROSQ), the Caribbean Agricultural Health and Food Safety Agency (CAHFSA) and the Caribbean Regional Fisheries Mechanism (CRFM).

Whereas: The CARICOM Regional Organisation for Standards and Quality (CROSQ) has been established by an Inter-Governmental Agreement amongst the Member States of the Caribbean Community (CARICOM) with an objective to develop and promote the use of standards and standards related activities to facilitate international competitiveness and the sustainable production of goods and services within the CARICOM Single Market and Economy (CSME) as well as support the expansion of intra-regional and extra-regional trade in goods and services, and

Whereas: The Caribbean Agricultural Health and Food Safety Agency (CAHFSA) has been established by an Inter-Governmental Agreement amongst the Member States of the Caribbean Community (CARICOM) with an objective to develop and promote the use of regional and international sanitary and phytosanitary standards, measures and guidelines as well as to facilitate the harmonization of technical procedures in relation to matters such as Good Agricultural Practices (GAPs), Good Manufacturing Practices (GMPs), Hazard Analysis Critical Control Point (HACCP), quarantine systems and surveillance and good laboratory practices and services which are internationally acceptable to conduct international trade and to eliminate the use of SPS and other non-tariff measures as deterrents to agricultural trade, and

Whereas: The Caribbean Regional Fisheries Mechanism (CRFM) has been established by an Inter-Governmental Agreement amongst the Member States of the Caribbean Community (CARICOM) with an objective of the provision of technical advisory and consultative services to fisheries divisions of Member States in the development, management and conservation of their marine and other aquatic resources and with functions including by developing and maintaining relations with national, sub-regional and regional institutions and bodies and international institutions and organisations involved in the regional fisheries sector, supporting efforts aimed at ensuring safe, healthy and fair working and living conditions for fishers and fish workers; encouraging the use of post-harvest practices in the fisheries sub-sector that maintain the nutritional value and quality of products; and promoting the conduct of trade in fish and fish products according to applicable agreements; and

Whereas: the Caribbean Community Common Fisheries Policy has among its objectives transforming the fisheries sector towards being market-oriented, internationally-competitive and environmentally-sustainable, based on the highest international standards of quality assurance and sanitary and phytosanitary systems; and

Whereas: the Caribbean Community Common Fisheries Policy requires CARICOM members, acting consistently with their obligations under relevant international agreements and taking into account relevant international standards on trade, marketing and SPS, to develop harmonised food quality assurance legislation, harmonised intra-regional SPS measures, common marketing standards for fisheries and aquaculture products; and

Whereas the Parties have agreed to enter into this Memorandum of Understanding (MOU) to reflect their mutual intention to cooperate, coordinate and combine their resources, experience and expertise to ensure proper networking between the Parties;

Now therefore the Parties hereby agree on the terms of understanding as follows:

1 OBJECTIVES

The objective of this MOU is to facilitate cooperation and mutual assistance between CROSQ, CAHFSA and CRFM in the discharge of their respective constitutive obligations in order to:

a) develop and implement the Regional Framework for SPS in the Fisheries Sector;
b) cooperate in the development and implementation of other regional approaches and actions in support of SPS measures in the fisheries sector;

c) enhance the action and operation of each party in the fisheries sector; and
d) avoid unnecessary duplication of efforts by any party in the fisheries sector.

2 LEGAL INTENTION

The purpose of this MOU is to clearly identify roles and responsibilities of CROSQ, CAHFSA and CRFM as they may relate to each other and set out the areas where both will cooperate and coordinate their activities.

Nothing in this MOU legally binds any of the Parties but is rather an expression of the individual and collective commitment to work together in order to realize the shared objectives expressed herein.

3 GENERAL AREAS OF COOPERATION

The areas of cooperation include the following:

Development of regional measures: The Parties will facilitate the development of regional approaches and measures, including the adoption of Standards, Protocols and Best Practice Guidelines.

Regional capacity building: The Parties agree to participate together in projects involving laboratory accreditation, conformity assessment and food safety where it is recognized that such cooperation is necessary and to the benefit of the wider business community in general and fish exporters in particular.

Projects: The Parties will seek to identify activities that could be jointly undertaken and, if appropriate, jointly financed and agree to share widely information on projects that are not undertaken jointly.

Dissemination of information: The Parties will cooperate in good faith in the dissemination of information pertaining to fisheries health and food safety to stakeholders in the CARICOM Member States and extra regionally.

International Representation: The Parties agree to work together to strengthen the Regional Coordinating Working Groups, where they exist, and develop other such working groups aimed at coordinating Member States positions on food safety and health issues in the fisheries sector, so that can be presented in international fora such as the WTO SPS and TBT Committees, the CAC, IPPC, OIE and ISO.

4 CONTACT POINTS AND STEERING GROUP

The Parties agree to designate a contact person to which the information necessary for the good implementation of the MOU will be communicated. Parties will notify each other promptly in case there are any changes.

The Contact Points from each organization, supported by such other persons as the Parties may nominate, shall form the Steering Group, responsible for overseeing the application of this MOU and for any other tasks that may be agreed.
The Steering Group will determine and regulate its own rules of procedure.

5 MEETINGS

The Parties agree to meet periodically and as necessary to discuss current issues, experiences and new developments of mutual interest with respect to food safety and fish health.

The Steering Group agrees to meet ordinarily at least once in every six months, and extraordinarily at the request of any member of the Steering Group, at the times and places that they may agree.

The Steering Group will determine and regulate its own rules of procedure at meetings.

A summary record of each meeting of the Steering Group shall be drafted and disseminated in accordance with the requirements of this MOU.

6 ADOPTION OF STANDARDS, PROTOCOLS AND BEST PRACTICE GUIDELINES

Without prejudice to procedures in this regards that may be specified in any legal agreement, the Parties shall cooperate in the development, adoption and implementation of Standards, Protocols and Best Practice Guidelines.

The Parties agree to adopt joint procedures for the review, consideration and potential adoption of Standards, Protocols and Best Practice Guidelines.

7 TECHNICAL COOPERATION

The Parties will consult and agree on how activities to be jointly undertaken should be financed while respecting their particular resource mobilisation modalities, including their own rules, regulations and procedures.

The Parties agree to share information on their respective work programs so as to determine strategic areas of cooperation as it relates to the objectives and implementation of this MOU.

Where appropriate and subject to the necessary requirements, information and documentation relating to specific projects or programmes may also be exchanged between the Parties with a view to attaining better complementary action and effective coordination between them.

The Parties may, through special arrangements, decide to act jointly in the formulation, implementation and resource mobilisation of projects that are of common interest. The special arrangements shall define the modalities for the participation of each Party in such projects and shall determine the contributions to be made by each of the Parties. Each special arrangement, undertaken under this MOU, shall make reference to it and shall include each Party's responsibilities; duration of the special arrangements; financing; and reporting and evaluation.

8 DISSEMINATION OF INFORMATION

The Parties agree to exchange information to the fullest extent possible on matters of common interest.

The Parties agree to set up systems for the regular dissemination of information to stakeholders in the CARICOM Member States and extra regionally.

Information to be shared includes: (i) information held or generated by the Parties; (ii) information collected in the course of applying this MOU from national, regional or global authorities and organizations and non-governmental entities; and (iii) any such other information as may be useful to stakeholders in the CARICOM Member States. To this end, and where expedient or required, the Steering Group shall seek to agree or develop information sharing arrangements with third parties.

9 COOPERATION WITH REGIONAL ORGANIZATIONS AND NATIONAL AUTHORITIES

The Parties will take such measures, as may be expedient, to promote the objectives of this MOU through, respectively, the regional organizations and the national Ministries or other national administrative counterparts with which they routinely work.

10 FINANCING

Where there is a need for financing activities in pursuance of the objectives of this MOU, either party may offer to meet the cost or both the parties may agree to jointly meet the cost of such activities. A party retains the right to decline to provide any funds under this MOU.

11 REPORTING

The Parties shall also develop a regular reporting system to disseminate information actions taken under this MOU, including the results of any meetings. In particular, the Steering Group shall keep:

(a) CARICOM Member States informed through the NAHFSA of each Member State; and

(b) the CARICOM Secretariat informed, and as appropriate shall report to specific organs of CARICOM including COTED and HOG;
(c) other regional organizations informed, particularly those with a direct interest in food safety matters, such as CARPHA.

12 CONFIDENTIALITY

Each Party shall undertake to observe the confidentiality and secrecy of documents, information and other data received or supplied on such basis to any other Party. This provision shall continue to apply to all Parties notwithstanding a withdrawal from this Memorandum of Understanding by any Party or the termination of this Memorandum of Understanding.

13 NON LIABILITY

Each Party shall ensure that it will not make any demand of or any claim against any other Party for any matter arising or resulting from the implementation of this Memorandum of Understanding.

14 DURATION

This MOU shall be deemed to commence on the day and date of signing by the parties hereto and shall remain in effect until such time as one of the parties requests its termination.

15 REVIEW AND AMENDMENT

This MOU may be subject to review, modification or amendment by agreement of the Parties in writing at any time.

Either party may propose a review of this MOU at any time where need arises.

Any revision, modification or amendment agreed to by the parties shall form part of this MOU. Such revision, modification or amendment shall come into force on such date as may be determined by the Parties.

16 TERMINATION AND WITHDRAWAL

This MOU may be terminated by any party upon giving the other Parties one month's notice of its intention to terminate this MOU.

IN WITNESS HEREOF, the undersigned, being duly authorized thereto, have on behalf of the Parties hereto signed two originals of this MOU in English at the place and on the day below written…

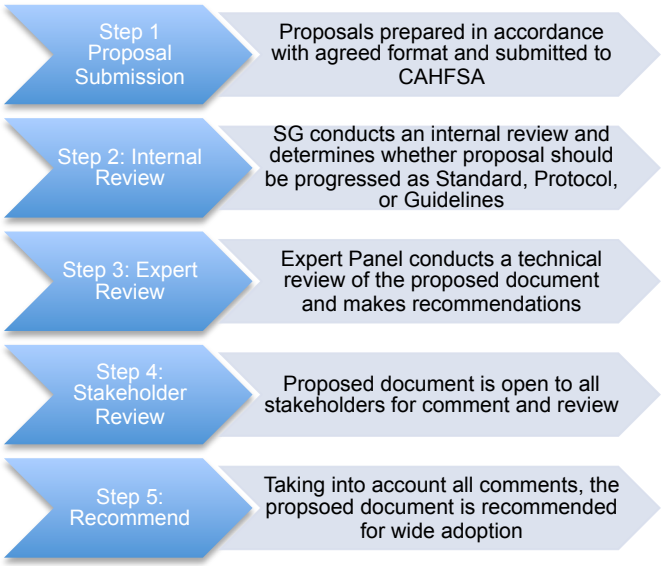
Annex 2 | Regional Protocols Review Process

[A] Introduction

This document has been developed in the context of the Caribbean Regional Framework for Fisheries SPS. It sets out a region-wide Review Process for submitting and recommending proposed Standards, Protocols and best practice Guidelines (hereafter SPBPG) for fish and fishery product hygiene practices. The process is without prejudice to any other systems for adopting SPBPG that may be operated by any regional organization or national government.

This Review Process applies both to the development of specific (bespoke) regional SPBPG – in particular those that may acquire legal effects within the regional framework – and to the adoption at the regional level of SPBPG adopted by international or national standard setting bodies or other international, governmental or non-governmental organizations.

The SPBPG that are recommended by this Review Process are intended primarily for use within the Caribbean, as implementation of the Caribbean Regional Framework for Fisheries SPS. However, the Process can also be applied to the validation and recommendation, at the regional level, of SPBPG adopted by other international bodies that can be adopted region-wide by CARIFORUM Members. Alternatively, if SPBPG that are proposed or developed that have wider applicability than within the Caribbean or Caribbean fisheries, they may be submitted to CROSQ for recommendation at the Caribbean level through its official procedures, or to appropriate international standards bodies, such as ISO.



[C] Process Overview

The overall process is presented in figure 1 (left) and is overseen by a **Steering Group (SG)**. There are a number of steps in the process and a number of individuals and groups that have roles to play. These individuals and groups, and their roles

and responsibilities are described below.

[B] Review Stages

Stage 1: Submission of Proposal

A proposal for presentation to the SPBPG Review Process can be prepared by any Member State, regional organization or, upon the invitation of the Steering Group, any other public or private organization with an interest in the fisheries and fisheries trade sector.

The scope of proposals should be related to fisheries and marine resources sanitary and phytosanitary procedures and/or good fisheries production hygiene or trade practices. As such, this would include SPBPG covering:

- pre-requisite programmes;
- HACCP;
- GMP, GAP;
- validation and assessment procedures.

In order for a proposal to be considered, it must be sent to the **Steering Group** and be prepared using the template provided in the Appendix. If a proposal is not compliant with the template then it will be returned to the proposer(s).

Once submitted, the **Steering Group** will initiate a review process, if appropriate.

The **Steering Group** will agree a timetable for conducting the internal review and will inform the proposer(s).

Stage 2: Internal Review

The internal review will be initiated by the **Steering Group**. Members will read the proposal and respond with comments (it is recommended that this is done within **15 calendar days** of the review starting, but alternative timetables can be established). Responses will be collated and reviewed by the **Steering Group**.

The purposes of this stage are:

a) **To ensure that the proposal is complete and fully informative of what is being proposed**. If information is lacking or the proposal is unclear, the proposer(s) will be contacted and provided with comments about what changes are deemed necessary.

b) **To determine**, taking into account the document type, **whether the document should be reviewed within this mechanism**.

Part a)

This first part of the review will examine the proposal and consider such questions as:

(i) Is the purpose of the standard well defined and clear?

(ii) Is their sufficient detail in the proposal to allow for an expert review?

(iii) Is the proposal clearly written and complete?

(iv) Are there any obvious weaknesses?

(v) Is there another competing potential standard that has equal merit?

(vi) Does this proposal address a pressing issue at this time?

(vii) Can the standard be applied widely by CARIFORUM Member States?

(viii) Is the information backing the proposal more suitable for the catalogue of best practices?

(ix) Is the proposal suitable for a fast track approach?

Criteria to consider include:

- Does the proposal recommend the application of an existing international standard?
- Is the proposed standard already a de facto standard with very broad use?
- Are there reasons that justify a very rapid consideration of the proposal?

Part b)

This second part of the review (b) will determine how the proposed document should be treated within this review mechanism. This depends on what type of document is being proposed:

- If the document is a proposed **Standard**, it will be for CROSQ to determine whether it wishes this mechanism to be used in conjunction with its own procedures or whether it wishes to use its procedures exclusively.
- If the document is a proposed **Protocol**, it will be for the Steering Group to determine whether the content and nature of the document is of sufficiently

clear, specific and normative character to be capable of defining regulatory requirements. If this is determined negatively, the Steering Group may either return the document to the proposer(s), in accordance with the procedures below, or may recommend the document be considered as **Guidelines**.

- If the document is a set of **Guidelines**, it will be for the Steering Group to determine whether the content and nature of the document is sufficiently relevant, technical and clear so as to be capable of providing guidelines at the regional level.

Note: Some proposals may be considered as too limited in scope to achieve regional acceptance. In spite of this, the proposal may have a strong basis in experience and support from a select group. The Internal review may decide that the documentation behind the proposal (the details of operations, processes, etc.) is nevertheless a valuable asset to be given wider exposure. In this event, the proposer(s) will be invited to submit the background documentation to be included in the **catalogue of best practices**. By doing so, they will be exposing their practices to groups that are using the catalogue to improve their internal operations and may find such documentation helpful.

Based on comments received, the proposer(s) will receive notification of one of the following actions:

i. the proposal will be moved to **SUBMITTED** status (stage 3)

ii. the proposal requires amendment; collated comments of the internal review will be provided

iii. the proposal will not be considered at this time

iv. the proposal will not be considered at this time but author(s) are invited to provide background documentation for the ***catalogue of best practices***

v. the proposal will be reviewed as a draft Standard under CROSQ procedures.

For proposals that require amendments, proposer(s) should be given a time limit to respond with a changed proposal. Once re-submitted, the proposal will once again go to internal review and either receive support to proceed to Stage 3 or be dropped.

Once the internal review has been completed, the proposal will be published online.

Stage 3: Expert Review

Moving a proposal to Expert Review changes its status to **SUBMITTED**.

The first action taken by the Steering Group is to identify a **Moderator** for the review. This person will be someone with sufficient familiarity with the subject of the proposal, but with no strong affiliation with the author(s). The role of the Moderator is to:

- guide the review of a standard through the review process
- ensure that all discussions reach a conclusion and, as possible, consensus
- report progress and final outcome of a review to the Steering Group
- assemble the expert review team, with assistance of the Steering Group

The **Moderator must identify and recruit members of the expert review team to examine the proposal**. This should be done with the help of the Steering Group. Members may be drawn from regional and international organizations, from national administrations in the region, from laboratories or academic institutions or from other individuals with sufficient knowledge to contribute, including sufficient knowledge of the regional context. The role of the Expert Review Team (ERT) is to:

- develop a set of criteria by which the proposal will be evaluated
- discuss the proposal and evaluate it according to the established criteria
- decide if the proposal meets the criteria, or whether revisions should be recommended, or the proposal is not suitable but should be considered for the catalogue of best practices, or the proposal should be rejected
- assist the Moderator in preparing the report to be provided to author(s) and the Steering Group.

The Moderator and the expert review team will work together to **develop appropriate criteria** for the review. These will be used to guide the discussions.

The Steering Group will establish an on-line forum for discussions of the expert review team. This forum will be password protected and discussions will not be made public.

The review will be conducted as expeditiously as possible. During the course of the review, the expert review team may ask the Moderator to contact the proposer(s) to clarify aspects. These exchanges should be minimized since if they become too frequent, it is an indication that the proposal has not been written clearly enough.

The Moderator should provide **a brief monthly report to the Steering Group**. This report should summarize progress in the review and indicate what is left to do. The

Moderator may poll expert review team members at any time to determine if the proposal should pass to **PROPOSED** status (Stage 4). If the proposal achieves at least 75% support of respondents, the Moderator will recommend to the Steering Group that the proposal status be changed to **PROPOSED.** The Steering Group members will provide a response within 5 calendar days.

At the end of **3 calendar months**, if no decision has been reached by the expert review team, a poll of expert review team members will be taken. If there is sufficient support of members that favour the proposal the recommendation will go to the Steering Group to move the proposal to **PROPOSED** status.

If support is insufficient, the Moderator will write a review of the discussions and provide this to proposer(s).

The proposer(s) will be given a period of **1 calendar month** to address the shortcomings. The revised proposal will be passed back to the expert review team for further consideration. If not enough support is garnered in a subsequent poll, the Moderator will summarize the shortcomings and report to the proposer(s) and the Steering Group. The SG will decide if:

- another revision will be invited (with a new version number) and this will restart the Expert Review
- the proposal will be dropped
- the proposal will be dropped but author(s) are invited to provide background documentation for the **catalogue of best practices**.

At the end of this step, the Steering Group will close the internal forum and archive the discussions. The Moderator will dissolve the expert review team used in the internal review. The Steering Group will place the comments concerning the proposal on the appropriate pages of the standards process web site maintained by the Steering Group and associated with the proposal. The outcome of the review will be clearly indicated.

Stage 4: Stakeholder Review

Moving a proposal to Stakeholder Review changes the status to **PROPOSED.** This stage opens discussions up for wide community comment.

At this step the Steering Group will undertake the following actions:

(i) Open a **public, on-line forum for discussion of the proposal.**

(ii) Use methods such as Circular Letters, emails, notices on web pages and other communications means to notify relevant stakeholders (public and private sector) that the SPBPG has been proposed.

(iii) Provide the login information and invite comments for a period of 3 calendar months.

(iv) Invite CARIFORUM Member States to initiate national consultation procedures, as appropriate.

The **Moderator, appointed for the Expert Review (Stage 3), will continue to guide the review during the public discussion**. The Moderator's role is to foster discussion and evaluation and ensure that the discussions are clearly aware that the standard is targeted for ease of data exchange and interoperability and not to alter internal data systems of the agencies and projects. The Moderator should refrain from detailed explanations of the proposal since, if this is required, it means the proposal is not clearly written or defined. **The moderator should clearly spell out the criteria that should be used by stakeholders to review the proposal.**

Following completion of the public discussion, the Moderator will prepare a report summarising the discussions and, based on those discussions, make one of the following recommendations:

1) that the proposal be accepted

2) that the proposal should be returned to the proposer(s), along with the comments and an invitation to resubmit a modified proposal

3) to cease further consideration of the proposal in which case the proposer(s) will be provided with the comments and decision. The Steering Group may invite proposer(s) to provide background documentation for the **catalogue of best practices**.

4) to suspend the proposal. Reasons for doing so may include that there has been insufficient testing performed, or that the proposal, though sound, needs more clarity. The Moderator will work with the proposer(s) to improve the description, or identify means to conduct further tests.

If a proposal is revised, the revised proposal will be re-submitted to the beginning of this stage.

At the end of this step, the Steering Group will close the public forum and archive the discussions. The Steering Group will place the comments concerning the proposal on the appropriate pages of the standards process web site maintained by

the Steering Group and associated with the proposal. The outcome of the review will be clearly indicated.

Stage 5: Recommendation and Ratification

The Steering Group is responsible for preparing the draft recommendation to go to CARIFORUM Member States for ratification.

Pending ratification, the Steering Group will:

1) use methods such as Circular Letters, emails, notices on web pages and other communications means to notify regional stakeholders that the SPBPG has been recommended.

2) provide the URL where information about the SPBPG can be found.

In order to be accorded the status of **RATIFIED**, the proposal requires the acceptance of at least 75% of CARIFORUM MS.

Once a SPBPG is accorded the status of **RATIFIED** under this Review Process, all CARIFORUM Member States and all concerned stakeholders are encouraged to implement the recommended SPBPG. The Steering Group will:

1) prepare for the publication of the standard, and issue this once it has been ratified;

2) invite all CARIFORUM MS to implement the recommended standard as soon as feasible;

3) establish a registry where MS can indicate when and in what circumstances they have achieved compliance with the recommended standard;

4) determine if there is a need for ongoing maintenance of the standard, such as would be the case for controlled vocabularies for example. If this is the case, the Steering Group will consult with the proposer(s) of the proposal to identify who will be responsible for this task.

[C] Meaning of "Ratified"

By definition, Standards and Guidelines are not mandatory. Protocols are intended to have mandatory effects, but do not create mandatory effects in their own right. A recommended Protocol may be codified through contractual, administrative, legislative measures or through international agreements.

Appendix | Template

Template Guidance The Proposal template contains ten main elements and provides content descriptions for each. Proposals may be comprised of a single item (vocabulary, operating procedure, etc.) or multiple items If a series (multiple items) is proposed having a common purpose and justification, a common Proposal may be drafted including all elements to be clarified and enumerating the each individual item. Consider this template as a cover sheet to the more comprehensive materials associated with the Proposal.

Title: *Provide the full title of the proposed document.*

Publication type: Briefly describe the target audience for this Proposal and any outreach plans to be considered.

Proposal version: Define version of proposal if proposal was amended during evaluation process early (for example, v.1, date).

Subject: *Provide an indication of the subject, scope and purpose of the Proposal*

Scope: *Provide a clear indication of the extent of the Proposal's application. Identify any specific processes, products or conditions to which the Proposal could apply. Indicate any known limitations or exclusions where the Proposal is not adequate*.

Purpose and Justification: Provide details based wherever practicable.

1. Describe the specific aims and reason for this Proposal, with particular emphasis on the aspects of standardization covered, the problems it is expected to solve or the difficulties it is intended to overcome.

2. Describe how this proposed SPBPG food hygiene, SPS, trade/export, etc. When applicable include mention of what international standards or requirements the proposal supports.

3. Describe the main interests benefitting from or affected by the proposed standard, such as industry, consumers, governments, distributors. Identify any relationships and/or dependencies.

4. Describe the feasibility of implementing the proposed standard. Include any factors that could hinder the successful establishment or regional application of the Proposed standard. Are there any associated issues? Identify resource implications resulting from the recommendations.

5. Considering the needs of other fields or organizations, indicate the timeliness, target date(s), or if proposing a series of standards, suggest priorities. List any statutory requirement or other driving factors.

6. Describe the possible benefits gained by the implementation of the proposed standard. Alternatively, describe the loss or disadvantage(s) if no standard is established within a reasonable time.

7. Indicate whether the proposed standard is or may become the subject of regulations or may require the harmonization of existing regulations. Describe any impacts of this activity.

Current Operational Implementations: Provide information about organizations, programs or projects which currently use the Proposed standard as part of an operational environment. If there are none, please indicate organizations that are testing the standard.

Relevant Documents:

1. Provide the reference(s) to all documents or materials associated with this Proposal (e.g. standards, specifications, regulations). Where Proposals comprise multiple documents or files, include a brief description of the relevancy of each as well as any dependencies among these materials.

2. Attach copies of all relevant documents or materials to this proposal. Where copyright policies restrict the attachment of the documents, indicate these by providing a listing along with the resource through which these documents may be obtained.

Cooperation and liaison:

1. Existing Community: List relevant organizations, bodies, work groups or related projects which currently use the Proposed standard and through which cooperation and liaison could be extended to the broader community. Include organizations, programs, etc. supporting the submission of this proposal.

2. Expanded Community: List relevant organizations, bodies, work groups or related projects not currently employing the Proposed standard and with which cooperation and liaison should exist.

Contact information: Provide the contact information of the Proposer. This individual acts as the key point of contact for interaction with the Steering Group on this proposal. Include the Proposer's name, organization, email address, and telephone number.

List of Acronyms: Define all acronyms used.

Other Attachments: Provide a listing of any additional attachments to this Proposal. Attachments many include letters of endorsement, technical reviews, lessons learned documents, etc.

Annex 3 | Developing National Governance

Implementing and maintaining new approaches in fields such as fisheries SPS is a complex, long-term and challenging process. It presents a government with many choices and options, but also raises many challenges, such as prioritising and selecting the right options to achieve policy aims, and identifying and procuring the necessary financial, technical and human resources to implement those options.

Where Governments are implementing new regional measures or even new national legislation, the Government will often by disposed with a significant range of functions, powers, duties and objectives but in many respects will have to specify for itself how these are to be carried out or fulfilled. Deciding how and when to use the functions and powers is a complicated matter – and one which can only be determined effectively with a clear strategy of what needs to be achieved, what resources are available, what mechanisms can be utilised, etc. An **implementation strategy**, as part of the overall policy framework, therefore needs to be developed to build roadmap for implementation. These guidelines outline the key steps in the first stages of developing an implementation strategy.

(1) Developing a strategic vision

The first step in developing an implementation strategy is to establish a national vision for fisheries exports. In other words, before starting a journey, you need to know where you are going.

A common vision, shared by all major stakeholders, at the national level is a pre-requisite to the development of a fisheries export policy, and to provide a foundation for decisions concerning implementation of regional measures and national legislation. There are several reasons why the development of a national vision and the elaboration of explicit objectives are essential:

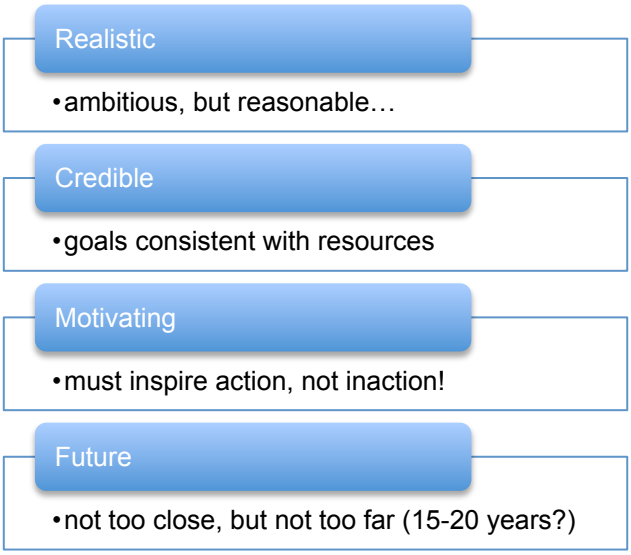
- It is **indispensible support** to the political decision to develop (and provide government finance for) such a policy.
- A shared vision entails a process which **promotes understanding** of the importance of a country's fisheries industry, amongst all stakeholders.

- It **highlights national issues** related to fisheries export and **brings together** all government administrations and all major stakeholders into a common process.

- It builds a common understanding on the **priorities for national fisheries policy** and on the **objectives** of integrating fisheries export policies with other sectors.

The vision underlies all fisheries export policies, strategies and regulation. It basically expresses a political will: it defines what the country does and does not want, and which way these objectives should be pursued in the long-term. This reference should be common to all national concerned stakeholders, be they public or private.

The creation of a national vision for the fisheries export sector entails a comprehensive and inclusive process, to be conducted amongst all concerned administrations and in partnership with the major stakeholders. It is an iterative process (the national vision should be periodically reviewed and adapted, based on a proper evaluation process) and can be developed as knowledge, capacity and ambitions develop.



There is no single approach concerning what a national vision should contain, nor a common recommended methodology as to how one should be developed. In short, the vision should provide a realistic, credible and motivating representation of the future.

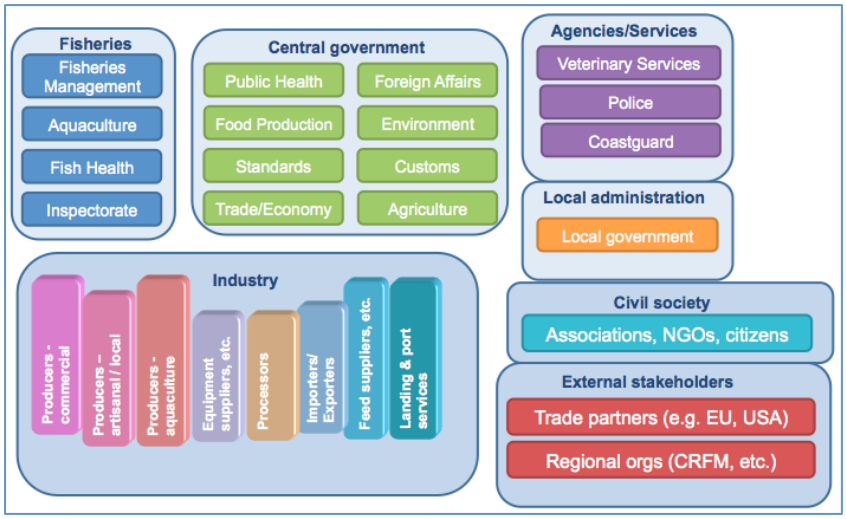
The two major elements should include:

- **General objectives and priorities**, as the main political statement of a country's intentions and goals for the fisheries sector.
- **Common principles and guidelines,** to ensure consistency and common aims in each sectoral or thematic strategy.

(2) Governance

In practical terms, the implementation of regional measures and national legislation (and everything that supports that – national vision, policies, strategies, etc.) needs to be coordinated, driven and realised by decisions at the governmental level. There needs to be a high-level coordination across government involving the key governmental, and preferably non-governmental, actors.

In this regard, the speedy implementation of a National Agricultural Health and Food Safety Agency (NAHFSA) with the consolidation of all responsibility for protecting animal health and public health, with clearly defined terms of reference, has considerable merit. It acknowledges the high priority that Governments place on food safety initiatives. The benefits that result from a single agency approach to food control include uniform application of protection measures, ability to act quickly to protect animals and consumers, cost efficiency, more effective use of resources and expertise, the harmonization of standards, the capacity to quickly respond to emerging challenges/demands of the domestic and international marketplace and the provision of more streamlined and efficient services.



The NAHFSA should be considered as a major component of the governance structure, since it is the only institution which connects all of the stakeholder groups (being the Fisheries Department, other central government departments, the local administration units of central government departments, industry stakeholders, NGOs and external stakeholders, such as regional fisheries organisations).

Consultation is a **critical component** of the legislative process. It is important that governments understand who their stakeholders are, develop regular processes to engage with the key stakeholders and build the capacity to communicate with the wider stakeholder community where possible.

Whilst final decisions concerning policy and implementation of fisheries export measures and rules rest with Government, is important that decisions reflect both the knowledge and aspirations of fisheries sector participants and other

stakeholders and the ability of the fisheries industry to comply with and follow the rules. Without this industry consultation, policy or regulations may lack validity and may fail to reflect the ambitions and concerns that are required to ensure future ownership and legitimacy.

It is important therefore to consult regularly and to consult properly with stakeholders. It is important that consultation processes are conducted at a suitable scale to reflect the existing and emerging industry structure, and be conducted in a manner that ensures that feedback is adequately reflected in the developing decisions. Communicating with stakeholders can be achieved through a number of means, in addition to formal channels such as the NAHFSA. These include: face to face meetings (e.g. personal meetings with key individual stakeholders); group meetings (e.g. community meetings or consultations); internet; workshops, etc.

CARIFORUM Protocols on Good Fish and Fishery Product Hygiene Practices

CARIFORUM Protocols on Good Fish and Fishery Product Hygiene Practices

Proposed Framework for Regional Cooperation on CARIFORUM Standards for Fish and Fishery Product Hygiene

October 2015

10th EDF Programme titled "Support to the Forum of Caribbean States in the implementation of the commitments undertaken under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary (SPS) Measures

Funded by the European Union

CONTENTS

About this Document

This document introduces the proposal for the development of a Caribbean Regional Fisheries SPS Framework. It is one of four documents, setting out the framework in detail and comprising:

1 **Green Paper on the Caribbean Regional Fisheries SPS Framework**

2 **CARIFORUM Protocols on Good Fish and Fishery Product Hygiene Practices**

3 **CARIFORUM Model Legislation for Fisheries Exports**

4 Additional Guidance on Good Fish and Fishery Product Hygiene Practices

The document is produced under the Sanitary and Phytosanitary Measures programme, one component of the 10th EDF Programme titled "*Support to the Caribbean Forum of ACP States in the Implementation of Commitments Undertaken Under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary Measures (SPS)*", implemented by the Inter-American Institute for Cooperation on Agriculture (IICA), with the fisheries sub-component being executed by the CRFM Secretariat. The project aims to facilitate CARIFORUM States to gain and improve market access by complying with Europe's Sanitary and Phytosanitary (SPS) measures and to help CARIFORUM states to better develop their own regionally harmonized SPS measures and institutional capability to meet the requirements necessary to maintain and expand on the trade of fish and fish products locally, regionally and internationally.

Introduction to the CARIFORUM Protocols on Good Fish and Fishery Product Hygiene Practices

The CARIFORUM Protocols on Good Fish and Fishery Product Hygiene Practices may be defined as a set of regionally-agreed rules and principles, which may incorporate in whole or in part any global, regional or national Standard, with which compliance is intended to be mandatory in national legal systems. The system of Regional Protocols is a key feature in the Caribbean Fisheries Regional SPS Framework.

The Protocols form part of an overall system of Standards, Protocols and Guidelines, but differ in form and intention from the other types of document. Thus, a **Standard** means a guideline approved by a recognized body that provides for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory (Agreement establishing the CARICOM Regional Organization for Standards and Quality, Art. 1) and **Guidelines** means any document or set of documents, other than a Standard or Protocol, which describes best practices characteristics for products or related processes and production methods.

The Regional Protocols are intended to be voluntary (i.e. non-binding) instruments at the regional level, but are intended to be adapted into national legal systems as regulatory instruments (see below).

Transposing Regional Protocols into National Legislation

By integrating the adoption of the Protocols into the national legislation, the process enables regionally adopted Protocols to be incorporated on a fast-track basis into national regulatory systems. The precise mechanism at the national level to achieve this is determined in the discretion of each national government (and is not

mandatory – without action at the national level, the Protocols do not create legal effects). However, by integrating these documents the facility exists to incorporate regionally adopted Protocols simply and quickly, thereby alleviating the need at the national level to monitor the movement in international standards and to revise national legislation. This addresses one of the key constraints for CARIFORUM countries, that is the challenge of keeping legislation up to date with international requirements.

The Model Legislation, developed within the framework of the Caribbean Fisheries Regional SPS Framework, provides a possible mechanism to incorporate the Protocols into national legislation.

This Compendium contains selected draft Protocols that have been prepared under the 10th EDF Programme. It is intended (ultimately) that the Protocols should provide a complete system for an EU-equivalent pre-requisite and control programme. To this, at least 19 Protocols are anticipated.

Suggested Protocols (Pre-requisite programme)

- Biosecurity Control
- Chemical Use Control
- Environmental Sanitation Control
- Equipment Use and Maintenance
- Facility Sanitation and Maintenance
- Fishery Facility Food Safety System
- Fishery Product Recall Response
- Fishery Product Storage
- Fishery Product Traceability
- Harvesting and Production
- Labelling
- Packaging
- Personnel Hygiene
- Pest Control
- Product Transport
- Raw Material – Ingredients
- Waste Disposal Control
- Water and Ice Quality Control
- Worker Welfare and Safety

The Protocols

Chemical Use and Control Protocol

Last updated: 1 August 2015

Cariforum Protocols on Good Fisheries Hygiene and Production Standards

ABSTRACT

Guidelines on procedures for procuring, storing, handling and using chemicals in food processing facilities.

CHEMICAL USE AND CONTROL

Rationale

Food additives, agricultural and veterinary chemical residues, biological and physical (environmental) contaminants, radionuclide contamination and uncontrolled food handling practices and processing can result in the introduction of residues into food at any stage along the food chain. If chemicals are not used, handled or stored properly, food risks becoming contaminated.

International Standards Implemented

- Joint WHO/FAO: International Programme on Chemical Safety
- CODEX: International Code of Practice (General Principles of Food Hygiene)
- CROSQ: CRCP 5: 2010. Code of Practice for Food Hygiene - General Principles
- UN: Environmental Programme on chemical Safety (IPCS)
- CODEX: Guidelines on Food Hygiene
- ISO: International Programme on Chemical Safety.
- EU : Council Directives # 96/23/EC Governing Chemical Residues in foods
- EU : Council Directive 94/356/EC Governing “Own Checks”.
- FAO: Application of Risk Analysis To Food Safety Control Programmes
- FDA: Regulations Governing Chemical Residues in Foods
- CODEX : Maximum Residue Levels in Foods Chemical Residues: Council Directive 86/469/EEC
- EU: Council Directive EEC#2377/9 (1990): Establishment of Maximum Residue Limits

Chemical Use and Control Procedures

Definitions

1. Approved chemicals means chemicals approved by a national authority for use under this Protocol.

2. Chemicals includes chemical compounds; “Chemical compound" means any chemical substance that is used in a licensed processing establishment or on a licensed vessel for any purpose other than as a product ingredient.

Chemical Use

3. No person shall use a chemical compound in a licensed processing establishment or on a licensed fishing vessel –

a. in an area in which prescribed products are harvested, handled or processed; or

b. in a manner that is likely to result in its direct or indirect contact with fishery products, which is not approved by the Competent Authority.

4. Only approved chemicals are to be used.

5. Use of all chemicals must be in compliance with manufacturer's instructions or with other guidance provided by the Competent Authority.

6. All chemicals must be appropriately labelled, handled and used with caution.

7. Where smaller quantities or diluted amounts are required and are placed in sub-containers or packages all such sub-containers or packages must be adequately labelled to reflect the original stock label.

8. All chemicals, including chemical residues or unused portions of chemicals that are not discarded, must be safely and securely stored in order to prevent employee injury or toxicity or serving as a risk factor for food contamination. A closet or secured space must be designated and used for storage of chemicals.

9. Chemical residues or unused portions for disposal must be disposed of following specific facility procedures for chemical disposal. Such procedures must be designed so as to prevent employee injury or toxicity or serving as a risk factor for food contamination.

10. Adequate first aid facilities, including a first aid station with emergency shower and eye washing facility, must be provided.

11. All personnel involved in handling chemicals or undertaking activities involving the use of chemicals must be provided with and must wear or use protective clothing and – where necessary to ensure their safety – protective equipment.

12. Any spills must be cleaned up promptly and thoroughly.

Management, Control and Reporting

13. A master list should be kept of all chemicals stored and used. The list must be updated regularly by a supervisor.

14. A daily log of all the chemicals used should be a part of the facility in-house checks for food safety and hygiene aimed at monitoring and controlling potential risks due to chemical residues.

Guidance

The uncontrolled application of agricultural chemicals , accidental or willful environmental contamination ,presence of microbiological hazards ,use of unauthorized additives and other abuses of food along the food chain can all contribute to the potential introduction of these hazards into the food supplies or leading to failure of reduction of hazards related to foods.

World-wide consumers have expressed concerns about safety of food additives , agricultural and veterinary chemical residues biological and physical (environmental) contaminants, radionuclide contamination and uncontrolled food handling practices and processing which can result in the introduction of residues into food at all stages along the food chain –from production/harvesting through to processing and distribution and to the consumer.

With increase awareness of the adverse impact of food hazards on human health the increasing importance and rapid growth of world food trade and demand by consumers for safe food supplies analysis of the risks associated with foods along with their prevention, control and elimination have become more urgent tasks for those responsible to trade those foods which are wholesome and fit for human consumption.

This “in house” or “owner check” protocol should be reflective of the overall National Residue Monitoring Programme.

To ensure efficacy of the Protocol, any chemicals used should be sourced from reputable firms. All effort to be made to prevent cross contamination of products by chemical residues through misuse or abuse. Similarly, all effort must be made to prevent personal injury to employees due to chemical exposure through careless use or accidental spillage.

Appendix No- Daily Monitoring , Recording and Management Log for Chemicals Used

Time	Type of Chemical	Amount Used	Purpose of Use	Area/Operation of Use	Signature of Worker	Comments/signature Supervisor	Date
Mon							
Tues							
We							

d							
Thu							
Fri							
Sat							
Sun							

Equipment Use and Maintenance Protocol

Last updated: 1 August 2015

CARIFORUM Protocols on Good Fish and Fishery Product Hygiene Practices

ABSTRACT

Equipment and utensils are often times been incriminated in food contamination and may be the cause of serious employee injuries. The building, equipment, utensil and other physical facilities of the plant should be kept clean, in good repair and should be maintained in an orderly and hygienic condition.

EQUIPMENT USE AND MAINTENANCE PROTOCOL

Rationale

Equipment and utensils are often times been incriminated in food contamination and may be the cause of serious employee injuries. The building, equipment, utensil and other physical facilities of the plant should be kept clean, in good repair and should be maintained in an orderly and hygienic condition.

International Standards Implemented

- CODEX: CAC/RPC-1 General Principles of Food Hygiene
- CROSQ: CRCP 5: 2010. Code of Practice for Food Hygiene - General Principles
- FDA : Food Code : Public Health Regulations

Equipment Use and Maintenance Protocol

General principles

1. The building, equipment, utensil and other physical facilities of the plant should be kept clean, in good repair and should be maintained in an orderly and hygienic condition.

Equipment, containers and utensils

2. Equipment and containers used for the harvesting and production of prescribed products shall—

    a. be constructed and maintained so as not to constitute a hazard to health;

    b. if reusable, be of such material and construction as to permit easy and thorough cleaning; and

    c. be maintained in a clean condition and, where necessary, be sanitized.

3. Containers used for toxic materials shall not be used for holding prescribed products or ingredients and equipment used for handling or processing those products.

4. All work surface and all containers, trays, tanks and other equipment used for processing fish must be—

    a. made of smooth, non-absorbent, non-toxic material which is resistant to corrosion;

b. designed and constructed to prevent hygienic hazards;

c. capable of withstanding repeated cleaning and disinfection; and

d. permit thorough cleaning and disinfection and be accessible for inspection.

5. Equipment and fixtures must be installed as follows—

    a. where equipment or fixtures are placed adjacent to a wall or other equipment-

        i. the gap must be sealed to prevent the entry of moisture, dirt and pests; or

        ii. sufficient space must be left to permit cleaning and inspection;

    b. where equipment is placed directly on the floor, it must be-

        i. sealed to the floor to prevent entry of moisture;

        ii. placed on a raised plinth covered at the junction of the floor and plinth; or

        iii. fitted with legs with a minimum of 100 mm clearance between the underside of the equipment and the floor.

6. Containers for return or repeated use must be—

    a. made of suitable corrosion-resistant materials;

    b. constructed so that they can be easily cleaned;

    c. large enough to hold adequate quantities of ice as well as the correct weight of fish;

    d. strong enough to withstand handling;

    e. suitable for stacking when filled up without damage to fish in boxes below.

7. Non-returnable or single use boxes must be—

    a. durable enough for any normal handling operation

    b. of sufficient size to hold an adequate amount of ice as well as the required weight of fish.

8. Drainage must be arranged to avoid contamination of fish in stacked boxes.

9. Storage containers for inedible materials and waste shall be—

    a. clearly identified;

    b. leak-proof;

    c. constructed of suitable impervious material;

    d. easy to clean; and

    e. capable of being closed securely if stored externally.

10. Filleting boards and other surfaces on which fish are cut or skinned must be made of non-absorbent materials which meet the physical requirements for cutting surfaces.

11. Filleting boards and other surfaces on which fish are cut or skinned must be—

    a. frequently and thoroughly scrubbed and treated with disinfectant; and

    b. wherever practicable, continuously flushed during use with running potable or clean seawater during use containing 4 PPM of residual chlorine.

12. If barrels or other containers are used on the filleting line for the collection and disposal of offal, they must be located below the level at which the fish is processed and in such a way that there is no splash back on the processing line.

13. Chutes and other enclosed transport systems must be constructed with inspection and cleaning hatches and be easy to clean.

14. All overhead structures and fittings, including lighting, must be—

    a. installed in such a manner as to prevent contamination, whether directly or indirectly, of fishery products and raw materials by condensation or drip;

    b. insulated where appropriate and be so designed and finished as to prevent the accumulation of dirt and minimize condensation, the development of mould and flaking; and

    c. easy to clean.

15. The covering of light bulbs must be shatterproof.

16. Wood must not be used as a contact surface on which prescribed products may be handled for use in processing areas, ice rooms, freezers, cold stores or chillers.

17. Where wood is used in doors, door jambs, windows, brooms, brushes in licensed processing establishments or licensed vessels, it must be sealed by the application of a durable, non-toxic surface coating.

18. Adequate facilities for cleaning and disinfecting a licensed processing establishment, licensed vessel, working implements and equipment must be—

    a. constructed from corrosion resistant materials; and

    b. capable of being easily cleaned and disinfected.

19. Where necessary, adequate facilities for sterilizing working implements and equipment must be provided.

20. Where water is not used as the sterilizing medium of a sterilizing facility, the competent authority must approve the method of sterilization.

21. Sterilizing facilities must be—

    a. constructed from corrosion resistant materials;

    b. capable of being easily cleaned; and

    c. if the sterilizing medium is water, fitted with suitable means of supplying hot and cold water in sufficient quantities.

Freezing and refrigeration equipment

22. Every licensed processing establishment shall be equipped with freezing equipment that is sufficient—

    a. to achieve a rapid reduction in temperature in order that a fishery product may maintain the temperatures specified in regulations or approved Standards or Protocols for the product being kept;

    b. to maintain prescribed products in storage rooms at a temperature not exceeding those so specified whatever the ambient temperature may be,

    so, however, that in the case of whole fish frozen in brine and intended for canning, temperatures not exceeding -9°C may be maintained.

23. A temperature recording device shall be situated in every storage room in a place where it may easily be read.

24. The temperature sensor of the recording device shall be located in an area farthest away from the cold source.

25. Temperature charts shall be made available to an inspector for inspection.

26. Every refrigeration chamber shall—

    a. have floors, walls, ceilings, doors and hatches that are constructed and maintained in accordance with the relevant provisions of this Protocol;

    b. with respect to the interior, be constructed of smooth, impervious and corrosion resistant material;

    c. be equipped with a refrigeration plant capable of reducing, or maintaining the temperature of fishery products as specified in regulations or approved Standards or Protocols for the product being kept;

    d. be equipped with an accessible and easily readable automated temperature measuring device, accurate to within -0.5°C and calibrated in accordance with the requirements of the manufacturer; and

    e. be designed to allow for adequate drainage of defrosted water away from the refrigeration unit.

27. Every cold storage facility shall be capable of storing frozen prescribe products at a temperature of -18°C or colder.

28. A freezer located in a licensed processing establishment, used for the storage of prescribed products shall be—

    a. adequately refrigerated;

    b. made with materials and fitted with doors that ensure its efficient operation; and

    c. capable of reducing the temperature of prescribed products to -18°C or colder.

Other

29. All measuring instruments, gauges and devices used in connection with the preparation of fishery products shall be graduated in a manner which enables them to be read accurately and shall be calibrated by the appropriate regulatory body.

Management and Monitoring Control

A programme for an active sanitary monitoring, cleaning and repairs or maintenance of all equipment should be implemented, guided by manufacturer's instructions in addition to regulatory requirements and accepted Standards.

Documentation and Recording

An appropriate cleaning and maintenance programme log to be established for each piece of equipment used in the facility.

Guidance

Contamination of fish during processing can be caused by contact with unsatisfactory surfaces. All food contact surfaces should be smooth, free from pits, crevices and loose scale, substances harmful to man, unaffected by salt, fish juices or other ingredients used, and capable of withstanding repeated cleaning and disinfection. Wood could be used for cutting surfaces only when no other suitable material is available. Machines and equipment should be so designed that they can be easily dismantled to facilitate thorough cleaning and disinfection.

All surfaces which come in contact with fish should be hosed down with potable water or clean sea water as frequently as necessary to ensure cleanliness. It is important that the cleaning method used will remove all residues and the disinfecting method will reduce the microbial population of the surface being cleaned.

The use of potable water or clean seawater alone is generally not sufficient to accomplish the required result. It is desirable, if not essential, that aids such as suitable cleaning and disinfecting agents together with manual or mechanical scrubbing, whenever appropriate, be used to assist in achieving the desired objective. After the application of cleaning and disinfecting agents the surfaces which come in contact with fish should be rinsed thoroughly with potable or clean seawater before use.

All machines used for cutting, washing, filleting, skinning, steaking or similar operations should be thoroughly clean, disinfected and rinsed during rest or meal breaks and before resumption of production following other work stoppages.

All machinery and equipment should be inspected before processing begins to ensure that it has been properly cleaned, disinfected, rinsed and reassembled.

The use of properly designed washing machines is recommended wherever practicable. Good washing by hand can be achieve by scrubbing with stiff brushes and by using high-pressure water jets, with detergents added to water.

A preliminary rinse in potable cold water or clean seawater, followed by a wash with hot water at a minimum temperature of 43^0 C ($110\ ^0$ F) has been recommended for efficient cleaning. An ample supply of potable water or clean sea water at adequate pressure is the first requirement and cleaning will be much easier if slime and blood are not allowed to dry on to the container surfaces.

Containers used for holding fish should preferably be constructed of plastic or corrosion-resistant metal, and if of wood, they should be treated to prevent the entry of moisture and coated with a durable, non-toxic paint or other surface coating that is smooth and readily washable. Wicker baskets should not be used.

Only new and clean boxes, cartons and wrapping materials should be used for the transport and distribution of fillets and similar products. The practice of using returnable boxes for the transport and distribution of products should be discouraged, unless the box is constructed of light inner non-returnable container protected by a stronger returnable outer case. Where returnable boxes are used they should be of corrosion –resistant material and thoroughly cleaned and disinfected after each use.

As the fish should always be well iced, it is necessary that the adequate quantities of ice for the standard amount of fish being sold. It should be possible to stack containers close together to reduce the amount of air absorbed from the surrounding atmosphere. Good drainage arrangements prevent fish lying in melt-water containing microorganisms and the digestive intestine of the fish.

A properly designed filleting line means saving the cost of processing and will result in a better quality of the final product. The filleting line should be designed as a continuous processing unit with all operations arranged sequentially in such a way that the finish could move uniformly fast through the line without any stoppages or slow–downs. When the fish or fillets are moved through the line by a conveyor, the conveyor should be provided with scrapers and spray-washers at least at its two terminal pulleys. If the fish is flamed, no recalculation of the fluming water should be allowed unless it is restored to a level of potable quality. Offal chutes should be located as close as possible to the filleter's stations but in such a way that there is no possibility for a splash–back. Each filleter's stations should have a line of potable water or clean seawater with a tap to regulate the flow of water over the surface of the filleting board.

The use of machines for cutting, washing, filleting, skinning, steaking and similar operations, which are properly designed, is to be encouraged.

Packaging Protocol

Last updated: 1 August 2015

CARIFORUM Protocols on Good Fish and Fishery Product Hygiene Practices

ABSTRACT

Appropriate packaging is a key component in the delivery of safe and wholesome products. A large proportion of losses incurred at the ports of entries are due to inaccurate packaging and labelling leading to product contamination or rejection. Adequate packaging serves to protect product from physical damage in addition to minimizing the process of product cross- contamination.

PACKAGING PROTOCOL

Rationale

Appropriate packaging is a key component in the delivery of safe and wholesome products. A large proportion of losses incurred at the ports of entries are due to inaccurate packaging and labelling leading to product contamination or rejection. Adequate packaging serves to protect product from physical damage in addition to minimizing the process of product cross- contamination.

International Standards Implemented

- CODEX : CAC/285/CXP (General Principles of Food Hygiene-Labelling and Packaging
- CROSQ: CRCP 5: 2010. Code of Practice for Food Hygiene - General Principles
- FDA: FSMA Food and Beverage Regulations

Packaging Procedures

1. Fishery products must be packaged or wrapped under satisfactory hygienic conditions so as to prevent their contamination.

2. The materials used for packaging or wrapping prescribed products shall be suitable for such use and must—

    a. not cause any physical, biochemical or micro-biological deterioration of the fishery products;

    b. not contaminate the fishery products;

    c. not contain or transmit to the fishery products a substance that could cause a health hazard;

    d. not cause exposure of the fishery products during storage or transportation;

    e. be sufficiently strong to withstand the handling ordinarily incurred by packaging, during transit to the final destination.

3. The time that elapses between processing and packing of fishery products must be such as to prevent physical, biochemical or microbiological deterioration of the fishery product.

4. Descriptive markings must be applied to packaging of fishery products by means of indelible ink.

5. Only food colourings which are approved by the competent authority can be used in plastic packaging for fishery products.

6. Inks and pigments or colourants in inks used on packaging for fishery products shall be non-toxic and shall not contain—

    a. lakes or pigments;

    b. chromium;

    c. any toxic substance.

7. Labels and tags or any adhesive matter used on packaging for fishery products must be so used as to prevent contamination of the products.

8. A container of fishery products must not contain any foreign matter or substance.

9. Material or wrappers used for the packaging of fresh fishery products on ice must provide adequate drainage for water from melted ice.

10. Unused packaging material must be stored in a hygienic manner away from product handling areas.

11. Live bivalve molluscs, echinoderms, tunicates and marine gastropods must be wrapped under the most ideal hygienic conditions.

12. The wrapping material or container used in the packaging of live bivalve molluscs must—

    a. not impair their organoleptic characteristics;

    b. not be capable of transmitting substances harmful to human health; and

    c. provide adequate protection.

13. Oysters shall be wrapped with the concave shell downwards.

14. Packaging and wrapping material must not be reused unless in containers which are—

    a. made of impervious, smooth and corrosion resistant material;

    b. easy to clean and disinfect; and

    c. are reused only after cleaning and disinfecting.

15. Packaging material must be securely stored in an environment free from dust, moisture, chemical residues, pests and other contaminants.

Management and Control

16. Packaging material must be inspected prior to being used.

17. Only packaging material for immediate use should be in the designated packaging area.

18. Systematic rotation of the use of packaging material should be done with outdated material being rejected.

Documentation/Recording

A list of all packaging material should be established inclusive of size, types and quantities.

Guidance

Appropriate packaging is a key component in the delivery of safe and wholesome products. In addition, type of packaging does impact the perceived aesthetic presentation of fish products placed on the market.

Experience has shown that a large proportion of losses incurred at the ports of entries are due to inaccurate packaging and labeling leading to product contamination or rejection.

Adequate packaging serves to protect product from physical damage in addition to minimizing the process of product cross- contamination while facilitating effective labelling.

Key steps in implementing this Protocols include:

- All packaging material to be obtained from reputable sources
- Packaging material selected should be appropriate for the type of products intended and for expected storage conditions
- Package material should not be capable of transmitting to product any harmful or objectionable substances or odours and or tastes.
- Packaging material to be stored in dust and pest free, as well as, non humid environment and at the manufacturer's recommended temperature.
- Products to be packed in special facility designed packages
- All products packaged must meet the designated standards of quality and wholesomeness
- All products packaged must meet the correct specifications of import such as exact weight in kg.
- All processes in the packaging operation if possible must be performed without unnecessary delay.
- Packaging should be done in a way so as to prevent the possibility of product leakage , contamination and deterioration or the growth of pathogenic or spoilage micro-organisms.
- All products to be packed should be given a last visual inspection as to quality and wholesomeness .
- Pack the exact or prescribed weight to ensure the integrity of operation and to avoid the issue of fraud in the country of import and possible rejection.

- Product packaging to be done so as not to cause damage or undue exposure to products
- Sealing of all packages to be done using tamper –free, non- absorbent type seals or tapes .
- Packed products should be placed on palletized trolleys after appropriate labeling and be immediately stored at designated refrigerated temperature) 0 -4 OC for fresh products and for blast- frozen products at minimum-!8 oC .
- For live fish packaging should follow specific protocols laid down for such products.
- All shipment must be accompanied by the required Health Attestation (export Certificate) to be issued by the competent authority.
- Separate storage facilities should be available for the proper dry storage of packaging materials in order to protect them against moisture, dust or other contamination.

Personnel Hygiene Protocol

Last updated: 1 August 2015

CARIFORUM Protocols on Good Fish and Fishery Product Hygiene Practices

ABSTRACT

Cross contamination resulting from product mishandling along the food chain is a major cause of product contamination. Contamination due to employees whether directly or indirectly be either eliminated or be significantly minimized throughout the production, processing, transportation and distribution operations.

PERSONNEL HYGIENE PROTOCOL

Rationale

Cross contamination resulting from product mishandling along the food chain is a major cause of product contamination. Contamination due to employees whether directly or indirectly be either eliminated or be significantly minimized throughout the production, processing, transportation and distribution operations.

International Standards Implemented

- CODEX : Code CAC /RCP1-1969 C(General Principles of Food Hygiene)
- CROSQ: CRCP 5: 2010. Code of Practice for Food Hygiene - General Principles
- FDA : Code of Federal Regulation (FDA,2001)Work Place Hygiene
- EU : Council Directive 89/654/ EEC (Work Place Requirements for Safety and Health.)
- EU: Council Directive : 852/2004/EEC (Hygiene of Food Stuffs).

Personnel Hygiene Procedures

Scope

1. Unless otherwise specified, these procedures apply to any person, including any official or unofficial visitor, who engages in the handling of fishery products or enters into any area of a licensed processing establishment or licensed vessel where fishery products are or might be handled (in this Protocol a “product handling area”).

Compliance with regulatory requirements

2. All employees, including managers, having access to facility food handling operations must comply with any national regulations or requirements concerning food handling, for example a requirement to be in possession of an official food handler’s certificate, and with any other public health regulations or requirements under national law.

Personal hygiene

3. Every person before entering a product handling area must—

    a. remove all items of personal jewellery;

    b. ensure any body-enhancing items such as artificial eye lashes, finger nail extensions and long hair braids are removed;

c. ensure any open wounds, boils, lesions, abrasions, or other similar injury is appropriately bandaged with water-proof or non absorbent tape and free from the risk of spreading infection;

d. ensure, if they are engaged in handling fishery products, that their fingernails are cut short and free from any fingernail polish or varnish.

4. Every person in a fishery product handling area must at all times—

    a. wear suitable protective clothing and footwear;

    b. wear a covering for the head that encloses the scalp and hair;

    c. if the person has a beard or moustache, wear a face covering to cover the beard or moustache; and

    d. if gloves are worn, ensure that the gloves are in a sound, clean and sanitary condition.

5. Disposable gloves or other disposable protective clothing worn in a fishery product handling area must be discarded after each use and must not be reused.

6. Every person in a product handling area shall keep protective clothing clean so as to prevent contamination of the prescribed products.

7. Footwear, overalls, aprons, headwear, gloves and other protective outer clothing used in the product handling area must not be worn outside the establishment.

8. Where a laboratory is situated on the premises of a licensed processing establishment any person, including any visitor, working therein shall change his uniform before entering the product handling area.

Handwashing

9. Every person who engages in the handling of fishery products or enters into any area of a licensed processing establishment or licensed vessel where fishery products are or might be handled, must wash his hands—

    a. on entering that area;

    b. each time work is resumed;

    c. immediately after using the toilet;

    d. after touching his nose or mouth;

    e. after handling contaminated material or any material capable of transmitting disease; and

f. whenever else necessary to avoid contaminating the prescribed products in the area.

Foot cleansing

10. All persons must walk through any disinfecting foot motes provided in the facility.

Workers' movement flow

11. In order to assist with ensuring compliance with hygiene protocols, facility managers should devise a workers' flow chart and ensure that all persons are familiar with the movement flow for the facility.

12. All persons must observe the workers movement flow procedures.

Signs

13. The owner or operator of a licensed processing establishment or licensed vessel must display in conspicuous locations, signs advising that smoking, eating, spitting and drinking in product handling or storage areas are prohibited.

Management and control

14. An operator of a licensed processing establishment or licensed vessel must designate competent supervisory personnel and allocate to them responsibility for ensuring compliance with personal hygiene procedures.

15. The designated supervisors must monitor each worker to ensure compliance with personal hygiene procedures.

Documentation / Recording

16. Performance records of each employee in terms of their commitment to facility food safety programme as well as breaches committed are to be kept for disciplinary and training purposes.

17. Records of training courses completed by each employee should be maintained and kept for reference.

18. An absence and illness record for each employee should be maintained.

Guidance

Cross contamination resulting from product mishandling along the food chain is a major cause of product contamination. Contamination due to employees whether directly or indirectly be either eliminated or be significantly minimized throughout the production, processing, transportation and distribution operations.

This can best be done through the maintenance of appropriate/optimum levels of personal hygiene to be enhanced by appropriate awareness training and a robust on-going facility “in house” hygienic programme.

In order to assist with ensuring compliance with hygiene protocols, facility managers should devise a workers’ flow chart and familiarise their staff with it. A model flow chart is produced below. Clear and prominent signs must also be provided throughout the facility in appropriate places – model signs and provided below.

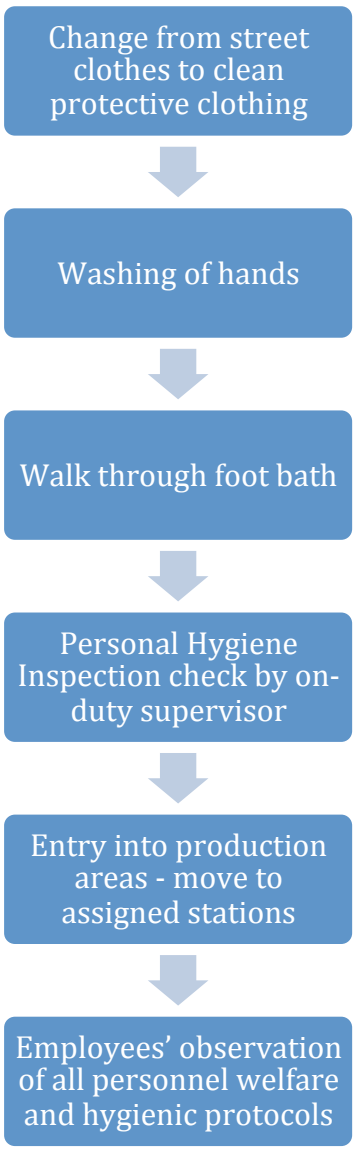
All employees must exchange their “street” clothes for facility sanitized protective clothing and footwear, and remove any personal jewellery, including watches and earrings. The reverse activities will be true at the end of the working day. These are essential parts of the daily routine. Note that protective clothing cannot be worn outside of the facility.

All employees must pay close attention to their own general body hygiene. Employees must make use of hand washing facilities provided, and wash their hands properly, making use of detergent and disposable sanitary hand wiping towels.

Individuals feeling ill should not report to work or if fallen ill at the work place should immediately make a report such illnesses to the attending supervisor for appropriate medical attention. Employees exhibiting oral, nasal or ocular discharges are prohibited from the operational areas and must retire to the first aid room to seek medical attention.

Constant training and updates on food safety issues are an important component of any food safety programme. In addition there should be disciplinary penalties for breaches by staff.

MODEL WORKERS' FLOW CHART



MODEL HAND WASHING INSTRUCTION SIGN

WASHING OF HANDS (HOW)

Firstly, the way the hands are washed is just as important as when they are washed. Hand washing is a serious activity in any food processing facility. The aim should always be that of the proper and thorough washing of the hands at all times. This is necessary to prevent the spread of disease - causing pathogens such as Salmonella, E. coli, Listeria, Shigella, or Hepatitis A micro-organisms.

A recommended routine (technique) is shown below:

Pest Control Protocol

Last updated: 1 August 2015

Cariforum Protocols on Good Fisheries Hygiene and Production Standards.

ABSTRACT

Pests pose a major threat to the safety and suitability of food. Pest infestations can occur where there are breeding sites and a supply of food. Good hygiene practices should be employed to avoid creating an environment conducive to pests. Good sanitation, inspection of incoming materials and good monitoring can minimize the likelihood of infestation and thereby limit the need for pesticides.

PEST CONTROLS FOR FISHERY PRODUCTION

Rationale

Pests pose a major threat to the safety and suitability of food. Pest infestations can occur where there are breeding sites and a supply of food. Good hygiene practices should be employed to avoid creating an environment conducive to pests. Good sanitation, inspection of incoming materials and good monitoring can minimize the likelihood of infestation and thereby limit the need for pesticides.

International Standards Implemented

- Codex – Food Hygiene CoP
- Codex – Fish and Fishery Products CoP
- CROSQ: CRCP 5: 2010. Code of Practice for Food Hygiene - General Principles

Pest Control Procedures

Definitions

1. "Pest" includes any insect, rodent, bird or other vermin.

General Principles

2. Pest control measures instituted in a licensed processing establishment shall not constitute a risk to human health and all rodenticides, insecticides, disinfectants and any potentially toxic substances used therein shall be stored in a separate room designed and marked specifically for the purpose.

Preventing Access

3. Areas immediately surrounding buildings, roads, pathways and other areas serving a **licensed processing establishment** must be suitably paved, graded, grassed, landscaped or otherwise treated and kept clean and tidy to avoid the risk of pests or other contaminants entering handling, processing and storage areas.

4. Buildings and facilities must be designed and maintained to prevent the entry and harbouring of pests and the entry of contaminants.

5. Internal walls must be sealed in all joints so that there can be no ingress of water, pests or contaminants.

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

7. Hatches, doors and other passage ways shall be constructed in such a manner as to prevent the entry of pests and one or more of the following must be installed—

    a. strip curtains

    b. air curtains;

    c. a self or manual closing device.

8. If conveyors or chutes pass through external walls—

    a. the conveyors or chutes shall be designed, constructed and sealed so as to prevent entry of pests or other contaminants into product handling areas; and

    b. the gaps through which they pass shall be sealed against the entry of pests or other contaminants.

Harbourage / Infestation

9. Harbourage and infestation should be eliminated, including by the following actions –

    a. the use of traps or bait in the case of rodents and by chemical spraying or special baits for insects;

    b. wild birds and domestic animals must be physically removed from the precincts of the facility.

10. Only approved chemicals for sprays and baits should be used and activities must be undertaken in such a way to present no potential risks to employees or serve as a source of product or equipment contamination.

Monitoring and Detection

11. Daily checks of bait or trap stations must be undertaken.

Reporting

12. An operator must keep accurate and legible records of the location and frequency of servicing of bait stations at the establishment and of any sightings or other evidence of the presence of pests.

Guidance

Avoid creating an environment conducive to pests through the implementation of good hygiene practices.

Prevention of access (mesh screening or other pest -proof techniques of securing doors, windows, vents, etc.). (Automatic return closing doors are to be preferred).

Prevention of harbourage/infestation (setting of baits, traps etc. at designated stations around the perimeter of premises/building)

Harbourage and infestation should be eliminated. This can be accomplished by way of the use of traps or baits in the case of rodents and by chemical spraying or special baits for insects. If necessary a professional firm should be hired to apply the necessary ,physical ,chemical or biological applications.

Pest control measures to be implemented and managed in such a way that it does not imperil the health of workers or lead to cross- contamination of fish or other food products or material.

Monitoring and detection via observation for deaths or their absence or presence through bait or trap interference.

APPENDIX 1
MODEL PEST CONTROL PLAN

PROTOCOL: CARIFORUM Pest Control Protocol

Preventing Access	
Harbouring and Infestation	
Monitoring and Detection	
Eradiction / Management	
Reporting	

DIAGRAM

[insert plan of premises, indicating location of traps/bait, etc.]

APPENDIX 2
MODEL MANAGEMENT RECORD

Area/station inspected	Date Inspected	Observ. deaths No.	Observ. Signs of pest/ Faeces etc Etc.		Corrective Action Taken if any	Chemical Used if any	Signature	Signature /Comments (Supervisor)
			yes	*no*				

Fishery Product Transport Protocol

Last updated: 1 August 2015

CARIFORUM Protocols on Good Fish and Fishery Product Hygiene Practices

ABSTRACT

This Protocol covers the condition of the food (fishery product) transportation unit, loading, transport, in-transit storage and unloading of bulk, semi-packed fish and fishery products. This Protocol covers food transportation unit and product from the points of shipment to the points of receipt.

FISHERY PRODUCT TRANSPORT PROTOCOL

Rationale

Fishery products may become contaminated or reach their destination in an unsuitable condition for consumption unless control measures are taken during transport. Such condition may occur even where adequate hygiene measures have been taken earlier in the food chain. Adequate transportation systems should be in place which will ensure that fishery products remain safe and suitable for consumption upon delivery and assist countries to assure continued trade.

International Standards Implemented

- CODEX: CAC /RCP 47-2001 : Code of Hygienic Practice for the Transport of Food in Bulk and Semi-Packed Food
- CROSQ: CRCP 5: 2010. Code of Practice for Food Hygiene - General Principles
- EU: Council Directive 854/2004 (Hygiene of Food Stuff)
- EU: Council Directive 2006/88/EEC (Transport of Aquaculture products)
- EU: Council Directive No.853/2004 (Landing, Handling and Transporting of Fishery Product Consignments)
- EU: Council Directive No. 2074/2005 (Transport of Fishery Products or Live Bivalve molluscs)
- EU: Council Directive No. 1251/2008 (Transport of Live Aquatic, fish eggs, un-eviscerated fish intended for human consumption.)

Transport Procedures

General Principles

1. Fishery products must be transported under such conditions that –
    a. prevent their contamination;
    b. protect the prescribed products from deterioration; and
    c. prevent damage to the container.
2. Vehicles used for the transportation of fishery products must be clean and must meet the following requirements –
    a. all internal surfaces of the cargo area must be constructed from smooth and impervious materials and must be free of cracks and crevices;

b. all internal surface joints must be smooth and sealed to prevent the entry of moisture;

c. the cargo area must be effectively proofed against pests and dust;

d. ramps, where provided, must not be stowed within the cargo area;

e. the cargo area must be constructed in such a manner that it is capable of being effectively drained;

f. if lighting is supplied in the cargo area, the light source shall be covered by shatterproof shields; and

g. animals must not be carried in the cargo area.

3. Adequate facilities for the cleaning and disinfecting of all means of transport shall be provided unless the means of transport may be cleaned and disinfected at external facilities authorized by the Competent Authority.

4. Units to be constructed such that walls, floors ceilings and other food contact areas are made of non-corrosion –type food gradable material with smooth, non absorbent surfaces and with a proper drainage system. All such units must be duly inspected and registered by the local Competent Authority.

5. Vehicles used for the transportation of chilled or frozen fishery products must be effectively insulated, constructed and equipped to maintain fishery products in a chilled or frozen condition, as the case may be, and must be capable of achieving and maintaining minimum temperature levels of –

   a. $0\,^{o}C$ for chilled products; or

   b. $-18\,^{o}C$ for frozen products.

Live fish

6. Vehicles used for the transportation of live fish must –

   a. be clean; and

   b. be constructed to maintain the fish in a healthy condition during transportation.

7. Consignments of live bivalve molluscs and marine gastropods intended for human consumption must be transported in sealed parcels.

8. Vehicles used for the transportation of live bivalve molluscs and gastropods must conform to the following specifications –

a. the interior or any parts which may come into contact with the transported products must be made of corrosion resistant material and be smooth and easy to clean;

b. suitable equipment must be provided to ensure efficient protection against extreme conditions, contamination and damage to the shell caused from vibration or abrasion;

c. closed vehicles or containers must maintain the transported products at a temperature which will not adversely affect their quality or viability.

9. Fishery products must not be stored with or transported with other products which may contaminate them or affect their hygienic conditions.

10. If ice is used to chill the transported products, adequate drainage must be provided in order to ensure that water from melted ice does not stay in contact with the products.

Frozen fish

11. If ice is used to chill the transported products, adequate drainage must be provided in order to ensure that water from melted ice does not stay in contact with the products.

12. The transport unit must provide an appropriate environment which minimizes the growth of potential food pathogens or physical damage to products.

13. Products must be transported in sanitized food–gradable bins or bags when placed in the transport unit.

14. Loading must be carried our in a manner aimed at minimizing physical damage to products and to prevent cross-contamination.

Management and control

15. All employees handling food products must be certified to be a food handler by the relevant public health authority.

16. The transportation of all fishery products from landing sites must be accompanied by a transport certificate duly issued by the competent authority.

Documentation and Reporting

The transporter should maintain records, readily available at the food transportation unit or as prescribed by the official agency having jurisdiction, of the three most recent prior cargoes and cleaning and disinfection, where necessary, method

employed of the food transportation unit including volumes transported and make this information, on request, available to the food shipper, official control authorities and/or receiver/food manufacturers, for evaluation of potential hazards.

A complete record of previous cargoes should be kept over a period of six months by the transporter.

Guidance

The transport of food products especially fish requires the utmost care as transportation is one of the critical links in the delivery of safe and quality foods to the consumer. With respect to fish and fish products it is important that the established " cold chain" be maintained during the transport of products from the landing (docking) sites to the processing or cold storage facility or during the period of shipment finished fish products from facility throughout the distribution process.

Transportation operation is a major point of product contamination if due process of sanitation and hygiene is not applied.

Food must therefore be adequately protected from potential public health risks during the transport operation

All transport unit used for the transport of fish must meet specific hygienic, sanitary and environmental standards laid down by the Competent Authority. Transport units should be of the containerized-type being retrofitted to maintain required temperature levels thereby enhancing product integrity. All such units must be duly inspected and registered by the Competent Authority and be used for the sole purpose of conveying food products for human consumption.

The transportation of all fishery products from landing sites must be accompanied by a transport certificate issued by the competent authority aimed at maintain product traceability and integrity among others. All transport units should be in a continuous state of good repair.

All transportation operations must comply with the relevant international standards laid down.

All transport unit used for the transport of fish must meet specific hygienic, sanitary and environmental standards laid down by the Competent Authority.

Where appropriate, particularly bulk transport, transport units should be designated and marked for food use only and be used only for that purpose.

Water and Ice Quality Control Protocol

Last updated: 1 August 2015

CARIFORUM Protocols on Good Fish and Fishery Product Hygiene Practices

ABSTRACT

Water quality along with product mishandling are arguably the most prevalent sources responsible for food product contamination. Potable water supply should therefore be made available for all processing facility and vessel production operations excepting where as an alternative clean and uncontaminated sea water may be used on board of some vessels for the washing of fishery products and water used in the form of steam for certain cleaning (sanitary) operations.

WATER AND ICE QUALITY CONTROL PROTOCOL

Rationale

Water quality along with product mishandling are arguably the most prevalent sources responsible for food product contamination. Potable water supply should therefore be made available for all processing facility and vessel production operations excepting where as an alternative clean and uncontaminated sea water may be used on board of some vessels for the washing of fishery products and water used in the form of steam for certain cleaning (sanitary) operations.

International Standards Implemented

- CODEX: CAC/RPC-1-1969: (General Principles of Food Hygiene)
- CROSQ: CRCP 5: 2010. Code of Practice for Food Hygiene - General Principles
- EU : Council Directive (Water Quality for fisheries operations)
- US-FDA : Regulation on Water Quality
- EU: Council Directive 82/778/EEC (Drinking Water)

Water and Ice Quality Control Protocol

General water supply

An ample supply of potable or clean sea water (or both) under adequate pressure must be available at numerous points throughout the premises at all times during working hours.

Water used for washing or conveying raw materials should not be recirculated unless it is restored to a level of potable quality.

Potable water

1. Potable water shall be used in every licensed processing establishment—

    a. with adequate pressure and in sufficient quantity;

    b. at a suitable temperature and suitably distributed;

    c. if used in a product handling area and on prescribed products, conform to the parameters and parametric values set out in the Appendix.

2. The parameters and parametric values set out in the Appendix shall be complied with—

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

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

c. in the case of water used in a licensed processing establishment, at the point where the water is used in the undertaking.

3. Where water is chlorinated in a licensed processing establishment—

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

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

4. Prescribed products shall not be washed, dipped, glazed or treated with water the chlorine content of which exceeds the levels prescribed for potable water.

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

Non-potable water

6. Non-potable water—

    a. may be used in a licensed processing establishment for steam production, refrigeration and the cooling of refrigeration equipment, fire control and other similar purposes not connected with the processing of prescribed products; and

    b. must be carried in separate and identifiable lines.

7. The operator of a licensed processing establishment shall ensure that—

    a. non-potable water is conveyed without causing cross-connection with, or back-siphonage into, any system carrying potable water; and

    b. the use of non-potable water does not present a risk of contamination to prescribed products.

8. There shall be no cross connection between potable and non-potable water reticulation systems.

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

10. All storage tanks, cooling towers and pipelines used in handling water in a licensed processing establishment shall be constructed in such manner as to facilitate their easy inspection and cleaning.

11. All water storage tanks in a licensed processing establishment shall be effectively covered to prevent the entry of pests and potential contaminants.

Ice

12. Ice must be made from potable water or clean sea water and must be manufactured, handled and stored so as to protect it from contamination.

13. A special room or other suitable storage facilities must be provided to protect the ice from contamination and excessive melting.

Steam

14. Steam used in direct contact with prescribed products or a contact surface in a licensed processing establishment shall not contain any substance which may—

    a. be hazardous to health; or

    b. contaminate the products.

Management Control

15. Daily in-house water quality tests in terms of chlorine and mercury levels must be carried out utilizing a procedure of sampling water from a designated tap just prior to water entry into the facility and just as entry is gained into the facility from the designated inner tap at the point of water entry just prior to use for processing operations.

16. Periodic quality reports from national water supply should be monitored and used to determine water quality entering the facility.

Documentation / Recording

17. All water quality data must be recorded and be used to assess water quality of the facility on an on-going basis along with the correction of deviations from standards set.

Appendix | Parameters and Parametric Values

PART A
Microbiological parameters

Parameter	***Parametric value (number/ 100ml)***
E. coli	0
Enterococci	0

PART B
Chemical parameters

Parameter	***Parametric Value***	***Unit***	***Notes***
Acrylamide	0.01	ug/1	Note 1
Antimony	5.0	ug/1	
Arsenic	10	ug/1	
Benzene	1.0	ug/1	
Benzo (a) pyrene	0.010	ug/1	
Boron	1.0	mg/1	
Bromate	10	ug/1	Note 2
Cadmium	5.0	ug/1	
Chromium	50	ug/1	
Copper	2.0	mg/1	Note 3
Cyanide	50	ug/1	
I, 2-dichloroethane	3.0	ug/1	
Epichlorohydrin	0.10	ug/1	Note 1
Parameter	Parametric Value	Unit	Notes
Fluoride	1.5	mg/1	
Lead	10	ug/1	Note 3
Mercury	1.0	ug/1	
Nickel	20	ug/1	Note 3
Nitrate	50	mg/1	
Nitrite	0.50	mg/1	
Pesticides	0.10	ug/1	Note 4 and 5
Pesticides-Total	0.50	ug/1	Note 4 and 6
Polycyclic aromatic hydrocarbons	0.01	ug/1	Sum of concentrations of specified compounds; Note 7
Selenium	10	ug/1	

Tetrachloroethene and Trichloroelhene	10	ug/1	Sum of concentrations of specified perimeters
Trihalomethanes-total	100	ug/1	Sum of concentrations of specified compounds; Note 8
Vinyl chloride	0.50	ug/1	Note 1

Note 1: The parametric value refers to the residual monomer concentration in the water as calculated according to specifications of the maximum release from the corresponding polymer in contact with the water.

Note 2: Where possible, without compromising disinfection, operators should strive for a lower value.

Note 3: The value applies to a sample of water intended for use in the processing of prescribed products obtained by an adequate sampling method (I) at the tap and taken so as 10 be representative of a weekly average value ingested by consumers.
Where appropriate the sampling and monitoring methods must be applied in a harmonized fashion to be drawn up in accordance with these Regulations.
Operators shall take account of the occurrence of peak levels that may cause adverse effects on the wholesomeness of product.

Note 4: 'Pesticides' means:
organic insecticides;
organic herbicides;
organic fungicides;
organic nematocides;
organic acaricides;
organic algicides;
organic rodcnticides;
organic slimicides;related products (inrer alia, growth regulators) and their relevant metabolites, degradation and reaction products.
Only those pesticides which are likely to be present in a given supply need to be monitored.

Note 5: Parametric value applies to each individual pesticide. In the case of aldrin, dieldrin, heptachlor and heptachlor epoxide the parametric value is 0.030 ug/1.

Note 6: Pesticides- Total' means the sum of all individual pesticides detected and quantified in the monitoring procedure

Note 7: The specified compounds are:
benzo (b) fluoranthene;
benzo (k) fluoranthene;
benzo (ghi) perylene; and
indeno (I, 2, 3-cd) pyrene.

Note 8: Where possible, without compromising disinfection, operators shall strive for a lower value.

The specified compounds are: chloroform, bromoform, dibromochloromethane, bromodichloromethane

PART C
Indicator parameters

Parameter	***Parametric Value***	***Unit***	***Notes***
Aluminium	200	ug/1	
Ammonium	0.050	mg/1	
Chloride	250	mg/1	Note 1
Clostridium perfringers (including spores)	0	Number/ 100ml	Note 2
Color	Acceptable to consumers and no abnormal change		
Conductivity	2500	uS cm-' at 20.oC	Note 1
Hydrogen ion concentration	>6.5 and <9.5	pH units	Note 1
Iron	200	ug/1	
Manganese	50	ug/1	
Odor	Acceptable to consumers and no abnormal change		
Oxidisability	5.0	mg/1 O.,	Note 3
Sulphate	250	mg/1	Note 1
Sodium	200	mg/1	
Taste	Acceptable to consumers and no abnormal change		
Colony count 22".C	No abnormal change		
Coliform bacteria	0	number/looml	
Total organic carbon (TOC)	No abnormal change		Note 4
Turbidity	Acceptable to consumers and no abnormal change		Note 5

Note 1: The water shall not be aggressive.

Note 2: This parameter need not be measured unless the water originates from or is influenced by surface water. In event of non-compliance with the parametric value, the competent authority concerned shall investigate the supply to ensure that there is no potential risk to wholesomeness of product arising from the presence of pathogenic microorganisms for example Cryptosporidium.

The competent authority shall include the results of all such investigations in the reports they submit under regulations 50A and 76.

Note 3: This parameter need not be measured if the parameter is analyzed.

Note 4: This parameter need not be measured for supplies of less than 10000 m3 a day

Note 5: 5: In the case of surface water treatment, the competent authority should strive for a parametric value not exceeding 1.0 NTU (nephelometric turbidity units) in the water ex treatment works.

Definitions

"E.coli" means faecal coliforms which form indole from tryptophan at 44oC plus or minus 0.2oC within 24 hours.

"faecal coliform" means facultative, aerobic gram-negative, non-spore forming, cytochrome oxidase negative, rod-shaped bacteria that are able to ferment lactose with gas production in the presence of bile salts, or other surface active agents with similar growth-inhibiting properties, at 44^{o}C plus or minus 0.2^{o}C within 24 hours.

Guidance

- Ample supplies of both cold and hot potable or clean sea water supplies must be made available at all times in the undertaking of fish production and processing activities.

- All water available for use in those parts of establishments where fish is received, held, processed, packaged and stored should be potable water or clean sea water and should be supplied at pressure of no less than 1.4 kg/cm² (201b/in²). If sea water is used, it must be clean sea water.

- Non-potable water may be used for such purposes as producing steam, cooling heat exchangers and fire protection. It is very important that the systems of storage and distribution of potable and non-potable water are entirely separate and there is no possibility for cross-connection or for inadvertent usage of non-potable water in the fish processing areas. Only quality water should be used for the supply of hot water. The same requirement for the separation of systems would apply to clean sea water when it is used in processing of fish.

- Water to be used in facilities must be properly stored and be constantly monitored with periodical testing for potential contaminants and chemical residues through appropriate sampling and treatment methods as provided by the water quality assurance programme.

- Stored water supplies must be secured and be well protected from potential microbiological and physical contaminants, as well as chemical residues as required under the national water quality assurance and monitoring programme .

Worker Welfare and Safety Protocol

Last updated: 1 August 2015

CARIFORUM Protocols on Good Fish and Fishery Product Hygiene Practices

ABSTRACT

All workers must be protected from mishaps or accidents or otherwise at the work place. Major emphasis must be placed on employees 'safety and welfare and aimed at minimizing product contamination and uplifting personal health and well being at the work place.

WORKER WELFARE AND SAFETY PROTOCOL

Rationale

All workers must be protected from mishaps or accidents or otherwise at the work place. Major emphasis must be placed on employees 'safety and welfare and aimed at minimizing product contamination and uplifting personal health and well being at the work place.

International Standards Implemented

- CODEX: CAC/RCL1. General Principles of Food Hygiene
- CROSQ: CRCP 5: 2010. Code of Practice for Food Hygiene - General Principles
- EU: Directive 89/654/EEC (Minimum safety and health requirements for the workplace)
- EU: Regulation 852/2004/EC (Hygiene of foodstuffs, Chapter VIII)

Worker Welfare and Safety Procedures

Changing Facilities, Toilets, Living Areas and Hand-washing Facilities

1. Adequate, suitable and conveniently located changing facilities, toilets and hand washing facilities must be provided in all establishments.

2. Changing rooms must be sufficiently large and have facilities to enable each worker to lock away his clothes and other personal effects during working hours.

3. Provision must be made for separate changing rooms or separate use of changing rooms for men and women.

4. Changing facilities and toilets must be completely separated from product handling areas and shall not open directly onto these areas.

5. Toilets and toilet areas must—

    a. be designed to ensure hygienic removal of waste matter;

    b. be well lit and ventilated; and

    c. be kept clean and tidy.

6. Hand-washing facilities must be provided near toilets in adequate numbers for use by all workers and must—

    a. be located adjacent to personnel entrances to product handling areas;

b. be in such a position that employees pass them when entering product handling areas;

c. provide an adequate supply of warm, or hot and cold water, over a sink;

d. provide for suitable hand-cleaning preparation;

e. be equipped with non-hand operated taps and suitable and sufficient hygienic means of drying hands;

f. be fitted with properly tapped waste pipes leading to drains; and

g. where paper towels are used, be equipped with a sufficient number of dispensers or receptacles at each facility.

7. Non-hand operated taps must be provided in work areas and laboratories.

8. Facilities for the washing, disinfecting and drying of hands must be provided in areas where prescribed products are prepared.

9. Notices must be posted prominently in toilets directing personnel to wash their hands on entering product handling areas.

Protective clothing

10. All persons who enter a product handling area must be provided with appropriate protective clothing and gear.

11. Protective clothing worn in a product handling area must not have an outer breast pocket and must be—

    a. light in colour; and

    b. either washable or disposable.

Lighting

12. Workplaces must as far as possible receive sufficient natural light and be equipped with artificial lighting adequate for the protection of workers' safety and health.

13. Lighting intensity must not be less than—

    a. 540 lux at every inspection point;

    b. 220 lux in work rooms; and

    c. 110 lux in other areas.

14. Lights and light fixtures which are suspended over fishery products in any stage of processing or exposed packaging material, shall be of a safety type with a shatter proof covering and protected to prevent contamination of products in case of breakage.

Room temperature and ventilation

15. During working hours—

    a. the temperature in rooms containing workstations must be adequate for human beings; and

    b. sufficient fresh air and ventilation must be established in enclosed workplaces.

Emergency routes, exits

16. Emergency routes and exits must—

    a. be designated and indicated by means of permanent signs;

    b. remain clear and free from obstruction; and

    c. lead as directly as possible to the open air or to a safe area.

17. Emergency doors must open outwards.

18. Appropriate safety equipment, including as a minimum fire extinguishers, must be provided and be well placed and easily accessed by workers in case of need.

First aid rooms

19. One or more first aid rooms must be provided, fitted with essential first aid installations and equipment.

20. In addition, first aid equipment must be available in all places where working conditions require it. This equipment must be suitably marked and easily accessible.

Management And Monitoring

These systems must be duly and effectively managed and be maintained by management.

Management and Control

A senior management staff member should be assigned the responsibility for workers welfare on an on-going basis. A Committee consisting of both management and workers representatives should collaborate to deal with issues affecting workers' affairs.

Documentation / Records

Appropriate records of workers' issues should be kept including those of breaches and disciplinary measures taken over time.

Guidance

This Protocol does not displace, and must be read alongside, any national legislation concerning health and safety legislation in the workplace.

All workers must be protected from mishaps or accidents or otherwise at the work place. There must be appropriate and proper clearly visible safety instructions and guides for workers.

Pregnant women and nursing mothers must be able to lie down to rest in appropriate conditions.

Workplaces must be organized to take account of handicapped workers, if necessary. This provision applies in particular to the doors, passageways, staircases, showers, washbasins, lavatories and workstations used or occupied directly by handicapped persons.

Facilities

As an internationally accepted guide there should be approximately eight individuals to one toilet. All workers must be provided with individual personal lockers to safe keep their personal property, and an adequate dining / recreational or lounging facility must be made available for workers use. Rooms must be large enough and equipped with an adequate number of tables and seats with backs for the number of workers.

Lighting

Workplaces must as far as possible receive sufficient natural light. Lighting installations in rooms containing workstation and in passageways must be placed in such a way that there is no risk of accident to workers as a result of the type of lighting fitted. Workplaces in which workers are especially exposed to risks in the event of failure of artificial light must be provided with emergency lighting of adequate intensity.

Windows, skylights and glass partitions should allow excessive effects of sunlight in workplaces to be avoided, having regard to the nature of the work and of the workplace.

Ventilation

If a forced ventilation system is used, it shall be maintained in working order. Any breakdown must be indicated by a control system where this is necessary for workers' health. If air-conditioning or mechanical ventilation installations are used, they must operate in such a way that workers are not exposed to draughts which

cause discomfort. Any deposit or dirt likely to create an immediate danger to the health of workers by polluting the atmosphere must be removed without delay.

Emergency exits

Emergency doors must not be locked. The emergency routes and exits, and the traffic routes and doors giving access to them, must be free from obstruction so that they can be used at any time without hindrance. Emergency routes and exits requiring illumination must be provided with emergency lighting of adequate intensity in case the lighting fails.

In the event of danger, it must be possible for workers to evacuate all workstations quickly and as safely as possible. The number, distribution and dimensions of the emergency routes and exits depend on the use, equipment and dimensions of the workplaces and the maximum number of persons that may be present.

A disaster safety gathering point on the premises which is well known to all workers should be designated. There must be a facility disaster preparedness plan along with regular disaster preparedness drills or simulation -exercise to which all employees are privy and participants. To avoid or minimize potential disaster of such events as fires and earth quakes the safest escape route out of building should be clearly mapped, be visible and permanently marked and well known to all workers .

CARIFORUM Model Fisheries Export Legislation

Model Legislation for Fisheries Exports

Proposed Framework for Regional Cooperation on CARIFORUM Standards for Fish and Fishery Product Hygiene

October 2015

10th EDF Programme titled "Support to the Forum of Caribbean States in the implementation of the commitments undertaken under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary (SPS) Measures

Funded by the European Union

Model Legislation for Fisheries Exports

Proposed Framework for Regional Cooperation on CARIFORUM Standards for Fish and Fishery Product Hygiene

Contents

About this Document

This document introduces the proposal for the development of a Caribbean Regional Fisheries SPS Framework. It is one of four documents, setting out the framework in detail and comprising:

1 **Green Paper on the Caribbean Regional Fisheries SPS Framework**

2 **CARIFORUM Protocols on Good Fish and Fishery Product Hygiene Practices**

3 **CARIFORUM Model Legislation for Fisheries Exports**

4 Additional Guidance on Good Fish and Fishery Product Hygiene Practices

The document is produced under the Sanitary and Phytosanitary Measures programme, one component of the 10th EDF Programme titled "*Support to the Caribbean Forum of ACP States in the Implementation of Commitments Undertaken Under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary Measures (SPS)*", implemented by the Inter-American Institute for Cooperation on Agriculture (IICA), with the fisheries sub-component being executed by the CRFM Secretariat. The project aims to facilitate CARIFORUM States to gain and improve market access by complying with Europe's Sanitary and Phytosanitary (SPS) measures and to help CARIFORUM states to better develop their own regionally harmonized SPS measures and institutional capability to meet the requirements necessary to maintain and expand on the trade of fish and fish products locally, regionally and internationally.

Model Fisheries Export Control Act

MODEL FISHERIES EXPORT CONTROL ACT

CONTENTS

PART 1

Introduction

Short title / commencement

1. [National short title / commencement provision]

Interpretation

2.—(1) In this Act, unless the context otherwise requires—

"advisory committee" means the body established under section 7(1);

"aquaculture", "freshwater products" and "marine products" have the meaning assigned to these terms in the [e.g. Fisheries Act];

"certificate", "licence" and "permit" mean a certificate, licence or permit, as the case may be, granted pursuant to this Act;

"competent authority" means the body designated under section 4;

"designated laboratory" means a laboratory or testing facility designated under section 8;

"Director" means the director of the competent authority;

"establishment" means any business, undertaking or activity undertaken on any premises, other than a fishing vessel, which is concerned with the production, harvesting, processing, handling, storage and transport of fishery products;

"fishery products" includes aquaculture, freshwater products, marine products and their by- products;

"fishing vessel" [cross-refer to FA]. "official laboratory" means a laboratory designated under section 5(1)(f) or (g); "Protocol" means a set of rules, conditions, standards or guidelines—

(a) which may incorporate in whole or in part any rule, condition, standard or guideline approved by a public international, regional or national body or may be developed specifically for the purpose of this Act; and

(b) with which compliance is intended to be mandatory.

"Minister" [designate responsible Minster]; "Sanitary and Phytosanitary Appeal Tribunal" [cross-refer to FSA].

Objectives of the Act

3. The objectives of this Act are—

(a) to advance public health and safety standards in the export of fishery products intended for human consumption, while ensuring a competitive and commercially supportive environment for the fisheries trade sector;

(b) to specify and maintain international standards of production, harvesting, processing, handling, storage and transport of fishery products for export;

(c) to establish systems for ensuring rapid adoption and, where necessary, reinforcement of the standards referred to in paragraph (b); and

(d) to monitor the hygiene and sanitary conditions of vessels and establishments engaged in the processing of fishery products for export.

PART 2

Administration

Competent authority

4.—(1) Except as may otherwise be provided under this section, the competent authority shall be the person or body designated as the competent authority for matters of food safety under the [national food safety law].

(2) The Minister may for the purposes of this Act designate, by means of notice published in the *Gazette,* a person or body to be the competent authority in place of the person or body referred to in subsection (1).

(3) The Minister shall not designate a body under subsection (2) unless—

(a) he is satisfied that the body or person has the appropriate governance, skills and resources to exercise the functions of the competent authority;

(b) he has obtained the consent of the Minister responsible for matters of food safety; and

(c) the body or person is not prevented from exercising that function under any enactment or by his or her terms of reference, in the case of a person, or its constitution (in whatever form that takes).

Functions of the competent authority

5.—(1) For the purposes of this Act, the competent authority shall—

(a) develop and implement policies and programmes to safeguard the public health of consumers of fishery products;

(b) provide appropriate training programmes and consulting services relating to all aspects of the production, harvesting, processing, handling, storage and transport of fishery products;

(c) grant such licences, operating certificates, health certificates, export certificates or other certificates or permits as may be specified for grant by the competent authority under regulations made under this Act or any other enactment;

(d) establish and maintain an official register of all licensed processing establishments, licensed vessels and consignors;

(e) promote public awareness and understanding of issues related to the production, harvesting, processing, handling, storage and transport of fishery products;

(f) establish systems for obtaining the assistance of such other laboratories as the competent authority considers necessary and, where it is deemed appropriate, designate them as official laboratories for the purpose of this Act;

(g) monitor activities pertaining to the export of fishery products to ensure compliance with the provisions of this Act and any regulations made under it;

(h) take such action as may be necessary, including suspension or revocation of any licence or certificate, in order to ensure compliance with the provisions of this Act and any regulations made under it;

(i) perform such other functions pertaining to the export of fishery products as may be assigned to it, from time to time, by the Minister.

Advice by the competent authority

6.—(1) The competent authority is the principal adviser to the Minster on matters relating to the export of fishery products.

(2) Before exercising any function conferred by this Act in relation to any matter, the Minister shall obtain and consider the advice of the competent authority.

Advisory committee

7.—(1) There is hereby established an advisory committee for the purposes of this Act.

(2) The functions of the advisory committee shall include—

(a) to advise the competent authority on general policy relating to the export of fishery products or any other matters in respect of which advice is sought by the competent authority;

(b) to make recommendations to the competent authority-

(i) in respect of the general procedures concerning applications for licences, certificates and permits in respect of processing establishments and fishing vessels; and

(ii) in respect of any other matter concerning regulation, standard setting or control in relation to the export of fishery products;

(c) to initiate, carry out or support, research which, in its opinion, is relevant to any of its functions;

(d) to prepare and submit to the competent authority, annual reports regarding the export of fishery products; and

(e) to perform such other functions pertaining to the export of fishery products as may be assigned to it from time to time by the Minister.

(3) In the exercise of its functions under this Act the advisory committee may—

(a) summon and examine witnesses; and

(b) require the production of documents.

(4) Subject to subsection (5), the Minister may make regulations under section 10(1) for the purposes of specifying the constitution, membership and terms of reference of the advisory committee.

Designated laboratories

8. The Minster shall designate at least one laboratory or testing facility, which may be in another country, as a designated scientific laboratory for the purposes of this Act.

Rights of appeal in respect of licences, etc.

9.—(1) In respect of a licence, certificate or permit that the competent authority may grant or has granted to a person pursuant to regulations made under this Act, that person may appeal against any decision by the competent authority to—

(a) refuse to grant or renew a licence, certificate or permit;

(b) refuse to accept a licence, certificate or permit;

(c) require the modification of any licence, certificate or permit; or

(d) revoke a licence, certificate or permit.

(2) An appeal under this section shall be made to the Minster, within 21 days after the person receives notice in writing of the decision appealed against.

(3) The Minister shall determine the appeal within 14 days, and may confirm, reverse or vary the decision against which the appeal is brought.

(4) An appeal against the decision of the Minister under subsection (3) may be made under this section and shall be brought within 3 months after the person receives notice in writing of the decision appealed against or within such further time as the court may allow.

(5) On hearing the appeal, the court may—

(a) confirm, reverse or vary the decision against which the appeal is brought; and

(b) may make such an order as to the costs of the appeal that it thinks fit.

Rights of appeal against decisions of authorised officers

10.—(1) Any person aggrieved by an action or decision of an inspector or authorised officer appointed pursuant to this Act may within 48 hours of the action or decision, appeal, in writing, to the competent authority.

(2) The Minister shall determine the appeal within 48 hours of receiving the appeal, and may confirm, reverse or vary the action or decision against which the appeal is brought.

(3) An appeal shall lie to the [Court/Sanitary and Phytosanitary Appeal Tribunal] within 48 hours of the decision of the competent authority.

(4) An appeal shall lie within seven days to the court on a question of law from a decision of the Appeal Tribunal which otherwise shall be final on technical issues.

(5) Unless the court so orders, the lodging of any appeal under this section shall not operate to stay the effect of a decision pending the determination of the appeal.

PART 3

Regional Food Safety Protocols

Adoption of Regional Food Safety Protocols

11.—(1) The Minister may adopt Protocols—

(a) specifying the detailed procedures or rules for the administration of licensing, inspections or monitoring procedures;

(b) specifying the technical requirements, standards, procedures or rules to be implemented for the purposes of ensuring good hygiene practices in licensed processing establishments and licensed vessels.

(2) Protocols adopted by the Minister under paragraph (1) may be drawn up by or in cooperation with any person, organisation, association or other body authorised or approved by the Minister.

(3) A Protocol adopted by the Minister under paragraph (1) shall –

(a) be signed by the Minister;

(b) specify the date on which the Protocol shall becoming binding, taking into account the nature and complexity of the requirements of the Protocol and the existing practices in licensed food processing facilities and fishing vessels;

(c) be published in the Official Gazette;

(d) be given such other publicity as is reasonable to inform stakeholders likely to be affected by the Protocol of its adoption.

(4) The Minister may make regulations under section 10(1) for the purposes of giving effect to this section, and such regulations may make provision requiring licensees to comply with any or all Protocols adopted or recognized under this section either generally or as conditions of the licence granted.

Regulations

12.—(1) The Minister may make regulations for the purposes of giving effect to the provisions of this Act and, in particular, but without prejudice to the generality of the foregoing, such regulations may contain provisions in relation to—

(a) the carrying into effect of international standards, protocols and recommended practices or health requirements for the harvesting, processing, handling, storage and transport of fishery products;

(b) standards required in relation to sanitation and hygiene in respect of licensed processing establishments or licensed vessels;

(c) the procedures for the licensing of processing establishments or fishing vessels;

(d) procedures for the issuing of and conditions as to the validity of, export health certificates;

(e) monitoring, control and enforcement of matters relation to the export of fishery products, including—

(i) procedures for and the frequency of inspection of licensed processing establishments and licensed vessels;

(ii) the monitoring and control of production areas in relation to microbiological, chemical, environmental contamination and marine bio-toxins;

(iii) the monitoring of water and the sampling, testing and examination of fishery products and any other matter or thing;

(iv) procedures and conditions relating to the microbiological and chemical examination and testing of fishery products, at production areas, landing sites, processing establishments and fishing vessels and at all stages of the handling, transportation, processing and export of such products and by-products;

(f) the conditions for and the methods of demarcation, approval and listing of production areas, changes or closure of those areas, and communication of the list or changes to any importing country or any person requesting same;

(g) the prohibition of production and harvesting of fishery products in production areas deemed unsuitable by the competent authority;

(h) the establishment, operation and maintenance of laboratories or laboratory activities;

(i) requirements as to details of the health checks, including hazard analysis critical control points system for the production, harvesting, handling and processing of fishery products for export;

(j) standards and requirements concerning fishery products intended for export and the methods of giving assurances that such standards and requirements are being complied with; the wrapping, labelling and packaging of fishery products;

(k) the use of chemicals, chemical compounds, hormones or additives in the production, harvesting, handling and processing of fishery products;

(l) fees payable in respect of the licensing, inspection, sampling and such other service as the competent authority may determine;

(m) the conditions under which a register shall be made available for inspection by the public and the fees payable in relation to such inspection; or

(n) any other matter that is required to be prescribed under this Act or pertaining to the export of fishery products which is required to give effect to the objectives of this Act.

(2) Subject to subsection (3), when making regulations under subsection (1), the Minister shall, before the regulations in question are made—

(a) consult with the competent authority, the advisory committee and, to the extent reasonable in light of the proposed regulations, such other persons as may have an interest in or be affected by the proposed regulations; and

(b) take into account the objectives in section 3.

(3) The consultation requirements in subsection (2) may be dispensed with if the Minister considers that regulations are required on an urgent basis, in which case those requirements shall be carried out as far as possible prior to the making of the regulations and shall be completed as soon as is practicable after the making of the regulations.

(4) Any regulations made under subsection (1) may prescribe specific offences and provide that any person who commits such an offence is liable—

(a) to a fine of not more than [to be specified at the national level];

(b) if the offence is a continuing offence, to a further fine of [to be specified at the national level] for each day during which the offence continues; and

(c) to imprisonment for not more than [to be specified at the national level].

PART 4

Authorised Officers

Appointment of authorised officers

13.—(1) The Minister may, from time to time, designate as authorised officers for the purposes of this Act, public officers or other persons who, by training and experience, are, in his opinion, qualified to be so designated.

(2) The designation of any person as an inspector shall be published in the *Gazette.*

(3) An authorized officer shall, in the execution of his duties under this Act, have, exercise and enjoy all the powers, authority, privileges and immunities [national provision].

Powers of entry, search and seizure

14.—(1) Subject to subsections (2) and (3), an authorised officer may at any reasonable time enter any premises or enter or board any vehicle, vessel or aircraft for the purposes of checking compliance with this Act or where necessary for carrying out his other functions under this Act.

(2) An authorised officer exercising the power to enter premises or to enter or board any vehicle under subsection (1) shall, if so required by the owner or occupier of the premises, vehicle or vessel as the case may be, produce evidence of his or her authority

before entering, and is not entitled to admission as of right to any premises which is occupied, unless twenty-four hours notice of intended entry is given to the occupier.

(3) If an authorised officer has reason to believe that a contravention of the provisions of this Act or any regulations made under it has occurred or is about to occur, and the circumstances are such that giving notice of the intended entry would defeat the purpose for which entry is sought, an authorised officer may enter any premises under a warrant issued by a Justice of the Peace.

(4) In the course of any entry under this section, the authorised officer may carry out any inspection or survey, seize any equipment or article being used in the commission of an offence, review and copy any documents or other records (in whatever form they may be held), take photographs or other audio or visual recordings, and take samples of air, water, soil or other material found on or in the premises, vehicle or vessel.

(5) An authorised officer may, for the purpose of exercising any of his powers under subsection (4), open, or authorise any person to open on his behalf any container or package or require the owner or any person in charge of any container or package to open it, in such manner as the inspector may specify.

(6) An authorised officer may, so far as is necessary to enable him to exercise any of the powers conferred by subsection (4), prohibit entirely or to such extent as he may specify the movement, treatment or destruction of any object, container or package.

(7) Where any such record or document as is mentioned in subsection (4) is kept by means of a computer, an authorised officer may—

(a) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the record or document; and

(b) require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require.

Powers to search, inspect and seize objects

15.—(1) An authorised officer may examine and search any—

(a) fishery product; or

(b) any vehicle, aircraft, vessel, article, enclosure, container or other storage facility, equipment, device, apparatus or other object,

(in this section “objects”) that he suspects on reasonable grounds may provide evidence that an offence under this Act has been, is being, or is about to be committed.

(2) For the purposes of examining and searching any object under subsection (1) an authorised officer may, if the object is a container or receptacle open, or break open, the container or receptacle.

(3) An authorised officer shall exercise due care to ensure that there is as little damage as possible to an object from which he takes a sample.

(4) An authorised officer may seize and detain any object that he suspects on reasonable grounds may provide evidence that an offence under this Act has been, is being, or is about to be committed.

(5) An object may only be seized under paragraph (4) by an authorised officer if the officer gives to the person, if any, who appears to him to be the owner of, or to be entitled to possession of, the object, a receipt identifying the object and indicating the date on which, and the place at which, it was seized.

Power to stop, detain, board and search vehicles, vessels and aircraft

16.—(1) If an authorised officer suspects on reasonable grounds that there may be on or in a vehicle, vessel or aircraft evidence that an offence under this Act has been, is being, or is about to be, committed, he may, at any reasonable time, take any or all of the following actions—

(a) stop and detain the vehicle, vessel or aircraft;

(b) with such assistance as he thinks necessary, enter or board the vehicle, vessel or aircraft;

(c) search the vehicle, vessel or aircraft for evidence that an offence has been, is being, or is about to be, committed;

(d) request a person on the vehicle, vessel or aircraft to provide to any authorised officer the assistance that he may reasonably require in the exercise of any of the powers of an authorised officer;

(e) exercise on or in the vehicle, vessel or aircraft any of the powers of an authorised officer.

Persons to assist authorised officer

17.—(1) An authorised officer exercising any of the powers conferred on him under the Act or under these Regulations may do so with the aid of such assistants as he considers necessary for the purpose.

(2) Any person called upon to assist an authorised officer in the exercise of any of the powers conferred on that person under the Act or under these Regulations is authorised to render such assistance.

Sampling and testing

18.—(1) When a sample is taken by an authorised officer exercising his powers under these Regulations, the officer taking the sample shall—

(a) notify the person in charge of the premises, vehicle or vessel from which the sample was obtained of his or her intention to submit the sample for analysis or examination;

(b) divide the quantity into three parts, causing each part to be marked and sealed in such manner as the nature of the sample permits;

(c) deliver one of the parts to the person in charge of the premises, vehicle or vessel from which the sample was obtained;

(d) retain one of the parts for future comparison or verification; and

(e) submit the third part for analysis or examination as soon as may be practicable.

(2) Every sample taken in accordance with subsection (1) shall be submitted to a designated laboratory for analysis or examination in accordance with accepted forensic procedures.

Duties towards authorised officers and observers

19.—(1) The operator, master, and each crew member of any fishing vessel, the driver of any vehicle and the pilot and crew of any aircraft shall immediately comply with every instruction or direction given by an authorised officer or observer as appropriate, and facilitate safe boarding, entry and inspection of the vessel, vehicle or aircraft and any fishing gear, equipment, records, fish and fish products.

(2) The operator, master, and each crew member of a vessel, driver of a vehicle and pilot and crew of an aircraft shall ensure the safety of an authorised officer or observer as appropriate in the performance of his duties.

(3) A person who contravenes subsections (1) or (2), or—

(a) assaults, obstructs, resists, delays, refuses boarding to, intimidates or fails to ensure the safety of or otherwise interferes with an authorised officer or observer in the performance of his duties;

(b) incites or encourages any other person to assault, resist, or obstruct any authorised officer while in the execution of his powers or duties, or any person lawfully acting under the officer's orders or in his aid;

(c) uses threatening language or behaves in a threatening or insulting manner or uses abusive language or insulting gestures towards any authorised officer or observer while in the execution of his powers or duties, or any person lawfully acting under an authorised officer's orders or in his aid;

(d) fails to comply with the lawful requirements or any authorised officer or observer;

(e) furnishes to any authorised officer any particulars which are false or misleading in any material respect;

(f) impersonates or falsely represents himself to be an authorised officer, or who falsely represents himself to be a person lawfully acting under an authorised officer's orders or in his aid;

(g) resists lawful arrest for any act prohibited by this Act;

(h) is in breach of any other duty to an authorised officer or authorised observer under this Act;

commits an offence.

(4) For the purpose of subsection (3), a person who does not allow an authorised officer, or a person acting under his orders or in his aid, or an observer, to exercise any of the powers conferred on such person by this Act shall be deemed to be obstructing that officer or person.

(5) Any person who commits an offence against this section is liable on conviction to a fine not less than [to be specified at the national level] but not more than [to be specified at the national level] or to imprisonment for a term not less than [to be specified at the national level] but not more than [to be specified at the national level] or to both fine and imprisonment.

Identification of authorised officers and observers

20. An authorised officer or observer when exercising any of the powers conferred on him by this Act shall on request produce identification to show that he is an authorised officer or observer under this Act.

Immunity of authorised officers

21. No action shall be brought against any authorized officer in respect of anything done or omitted to be done by him in good faith in the execution of his powers and duties under this Act.

PART 5

Jurisdiction, Evidence and Liability

Jurisdiction and standing

22.—(1) Any act or omission in contravention of any of the provisions of this Act, or regulations made under it, committed—

(a) by any person within the fisheries waters;

(b) by any national outside the fisheries waters; or

(c) by any person on board a licensed fishing vessel;

may be dealt with and judicial proceedings taken as if such act or omission had taken place in [specify country] within the local limits of the jurisdiction of the [reference to court].

(2) Any act or omission beyond the fisheries waters by a person referred to in subsection (1) (b) or (c) which if committed within the fisheries waters would be an offence shall be deemed to have been committed within the fisheries waters.

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

Burden of proof

23. In any proceedings under this Act, or regulations made under it, where a person is charged with having committed an offence involving an act for which a licence or other

authorisation is required under this Act or such regulations the burden is on that person to prove that at the material time the requisite licence or authorisation was held by him or her.

Presumptions that fishery products are intended for human consumption

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

(2) The following, namely—

(a) any fishery product commonly used for human consumption which is found on premises used for the preparation, storage, or placing on the market of that fishery product; and

(b) any article or substance commonly used in the manufacture of food for human consumption which is found on premises used for the preparation, storage or placing on the market of fishery products,

shall be presumed, unless the contrary is proved, to be intended for placing on the market, or for manufacturing fishery products or other food for placing on the market, for human consumption.

(3) Any article or substance capable of being used in the composition or preparation of any food commonly used for human consumption which is found on premises on which that food is prepared shall, unless the contrary is proved, be presumed to be intended for such use.

General presumptions concerning fishing vessels

25.—(1) This section applies, in any legal proceedings under this Act or regulations made under it, to evidence in relation to fishing vessels and activities on fishing vessels.

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

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

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

(5) An entry in writing or other mark in or on any log, chart or other document required to be maintained under this Act or under the [national fisheries Act] used to record the

activities of a fishing vessel shall be deemed to be that of the operator and master of the vessel, unless the contrary is proved.

(6) Where in any legal proceedings—

(a) an authorised officer gives evidence of reasonable grounds to believe that any fish to which the charge relates were taken in a specified area of the fisheries waters;

(b) the Court considers that, having regard to that evidence the grounds are reasonable,

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

(7) In any proceedings, an allegation made by the informant in any information or charge relating to whether or not any person was the operator or master of any vessel shall be presumed to be true unless the contrary is proved.

Presumption as to manufacture

26. Evidence that a package containing any food to which this Act applies bore a name, address or registered trademark of the food establishment operator or food establishment, by which it was produced, manufactured or packed, shall be prima facie evidence that such food was produced, manufactured or packed, as the case may be, by that establishment or operator.

Certificate evidence

27.—(1) A certificate signed by the person in charge of a designated laboratory stating that an object or substance has been analysed or examined and stating the results of the analysis or examination, is admissible in any proceeding under this Act, or Regulations made under it, as *prima facie* evidence of the matters in the certificate and of the correctness of the results of the analysis or examination, provided that—

(a) the party against whom it is produced may require the attendance of the head of official laboratory or the analyst who performed the analysis, for the purpose of cross examination;

(b) no such certificate shall be admissible in evidence unless the party intending to produce it has, before the trial, given the party against whom it is intended to be produced reasonable notice of such intention together with a copy of the certificate.

(2) In any proceedings, the defendant cannot adduce evidence in rebuttal of a certificate issued by a designated laboratory in relation to any matter of which the certificate is evidence unless, within 14 days after a copy of the certificate is given to the defendant in accordance with subsection (2), or such further time as the court may allow, the defendant gives to the prosecutor notice in writing of the intention to adduce such rebuttal evidence.

Photographic evidence

28.—(1) Subject to subsection (2), where a photograph is taken of any item or activity, and—

(a) simultaneously the date, time and position from which the photograph is taken are superimposed on the photograph; or

(b) the date, time and position are certified on the photograph at a later date by an authorised officer who was present at the time the photograph was taken,

then it is presumed, unless the contrary is proved, that the photograph was taken on the date, at the time and in the position so appearing and shall be received in evidence by the Court.

(2) The presumption set out under subsection (1) shall arise only if—

(a) in the case of subsection (1)(a), the camera taking the photograph is connected directly to the instruments which provided the date, time and position concerned; and

(b) in either case, the photograph was taken by an authorised officer.

(3) An authorised officer who takes a photograph of the kind described in subsection (1) may give a certificate in relation to that photograph stating—

(a) his or her name, address, official position and authority under which he or she is appointed;

(b) the name and call sign, if known, of any fishing vessel appearing in the photograph;

(c) the matters, as appropriate, in subsection (2)(a); and

(d) the maximum possible distance and the direction of the subject of the photograph away from the camera at the time the photograph was taken.

Strict liability

29.—(1) In any prosecution for any offence against this Act it shall not be necessary for the prosecution to prove that the defendant intended to commit an offence.

(2) It shall be a defence in any such prosecution if the defendant proves that—

(a) the defendant did not intend to commit the offence; and

(b) (i) in any case where it is alleged that anything required to be done was not done, the defendant took all reasonable steps to ensure that it was done; or

(ii) in any case where it is alleged that anything prohibited was done, that the defendant took all reasonable steps to ensure that it was not done.

Liability of master and officers of companies

30.—(1) Where an offence under this Act is committed by a person on board or employed on a fishing vessel, the master of the vessel shall be deemed to have committed that offence.

(2) Where an offence under this Act is committed by a company or by a member of a partnership firm or business, every director, manager, secretary or other officer of that company directly connected with the activity or any other member of the partnership or other person concerned with the management of the firm or business shall be deemed to have committed the offence unless that person proves to the satisfaction of the Court that—

(a) that person used due diligence to secure compliance with the Act; and

(b) the offence was committed without the knowledge, consent or connivance of that person.

Liability of companies and persons for actions of officers and employees

31.—(1) Every act or omission of any officer or employee of a person, or of the master or any member of the crew of a vessel that is owned, chartered or leased by the person for the purpose of engaging in fishing, shall be deemed for the purposes of this Act to be the act or omission of the person.

(2) Subject to subsection (3), any defence specified in section 29(2) of this Act in relation to a prosecution under this Act is available to a person only to the extent that it can be proved in respect of the officer, employee, master, or crew member in relation to whose act or omission the prosecution is brought.

(3) A defence specified in section 29(2) of this Act is available to a person prosecuted in respect of the act or omission of a person referred to in subsection (1) if the person satisfies the Court that, having regard to—

(a) any likely or possible benefit or detriment arising to the person from the act or omission in respect of which the prosecution is brought if the alleged offence had remained undetected;

(b) the purpose or motive of the person whose act or omission it was;

(c) the relationship between the person and the person whose act or omission it was, or between the person and any person appearing or likely to benefit from the alleged offence;

(d) where the person is a body corporate, whether or not any person responsible for or closely associated with the management of the body corporate appears to have benefited from the act or omission, or would have been likely to so benefit if the alleged offence had remained undetected;

(e) any action taken by the person, or, where the person is a body corporate, by any person responsible for its management, once aware of the act or omission, in respect of the person whose act or omission it was or any person appearing or likely to benefit from the alleged offence,

it would be in the interests of justice to allow the person the benefit of any defence provided for in section 29(2) of this Act.

Liability of principal for actions of agent in relation to records and returns

32.—(1) Where a person, in this section referred to as the principal, is required by or under this Act to—

(a) keep any account , log or record;

(b) furnish any return, log or information;

(c) complete any form; or

(d) take any action in relation to the keeping of any account, log or record or the furnishing of any return, log or information or the completing of any form

every act or omission of any person acting or purporting to act as agent for the principal in respect of any such requirement shall be deemed for the purposes of this Act to be the act or omission of the principal, unless the principal proves that the person purporting to act as agent had no authority, either express or implied, to act as the principal's agent for the purpose of keeping any account or record, or furnishing any return or information, or completing any form, or taking any action in respect of such matters, as the case may be.

(2) A defence specified in section 29(2) is available to a principal prosecuted in respect of the act or omission of an agent if the principal satisfies the Court that, having regard to—

(a) any likely or possible benefit or detriment arising to the principal from the act or omission in respect of which the prosecution is brought if the alleged offence had remained undetected;

(b) the purpose or motive of the agent whose act or omission it was;

(c) the relationship between the principal and the agent whose act or omission it was, or between the principal and any person appearing or likely to benefit from the alleged offence;

(d) where the principal is a body corporate, whether or not any person responsible for or closely associated with the management of the body corporate appears to have benefited from the act or omission, or would have been likely to so benefit if the alleged offence had remained undetected; and

(e) any action taken by the principal, once aware of the act or omission, in respect of the agent whose act or omission it was or any person appearing likely to benefit from the alleged offence,

it would be in the interests of justice to allow the principal the benefit of any defence provided for in section 29(2) of this Act.

(3) For the purposes of this section a person may act as an agent for a principal whether or not that person is employed by the principal and whether or not acting for reward.

PART 6

Prosecutions and Sanctions

Power of Director to undertake prosecutions

33. The Director may undertake prosecutions in respect of offences against this Act or any regulations made hereunder, and may authorize in writing any authorised officer to undertake such prosecutions.

Offences and general penalty

34.—(1) Every person who acts in contravention of or fails to comply with any provision under this Act, or any notice, direction, restriction, requirement, or condition given, made, or imposed under this Act other than a requirement to pay a sum of money, commits an offence.

(2) Every person who commits an offence against this Act for which no other penalty is prescribed shall be liable on conviction to a fine not more than $5,000 and, if the offence is a continuing one, to a further fine not exceeding $500 for every day after the first day on which the offence has continued.

(3) The Minister shall keep the level of fines specified in this Act under review, with the objective of ensuring that fines remain an appropriate deterrent to offending, and may amend the fines specified in this Act by means of Regulations made under this subsection.

(4) Nothing in subsection (1) shall apply to any person carrying out any duties or responsibilities imposed or required under this Act while acting in the capacity of an employee, agent or representative of the State.

(5) Any person who—

(a) without reasonable cause, fails to give an authorised officer or any person acting on behalf of the competent authority any assistance or information which that person may reasonably require of him in connection with such matters; or

(b) in purported compliance with any such requirement as is mentioned in sub-paragraph (a), or for the purpose of procuring a licence under these Regulations, intentionally or recklessly furnishes information which is false or misleading in a material particular, or intentionally fails to disclose any material information,

shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding [penalties to be specified by Member State].

(6) Any person who obstructs, assaults, threatens with violence, bribes or attempts to bribe or otherwise interferes with an authorised officer in the exercise of the powers conferred on him under this Act, or attempts to prevent him from executing his duties, is guilty of an offence and, without prejudice to any fine, period of imprisonment or other sanction that may arise under any other law for the actions in question, shall be liable

upon conviction under this Act to a fine not less than [penalties to be specified by Member State].

Forfeiture and suspension of licenses etc.

35. Where a person is convicted of an offence against this Act the court may forfeit or suspend for such period as the court considers appropriate, any applicable license, authorisation or permit.

Liability for loss, damage or costs incurred

36. A person who commits an offence against this Act may, upon conviction, and in addition to any fine or penalty imposed on that person under this Act, be held liable to the Government for—

(a) any costs incurred in detecting, apprehending, investigating or prosecuting the offence; and

(b) any costs incurred in detaining or seizing any property, fish, article or object in respect of that offence,

and the amount of compensation for such loss, damage or costs may be awarded by the Court as restitution in addition to, and recovered in the same manner as, a fine.

Liability for non-payment of penalties

37. All pecuniary penalties and all forfeitures incurred or imposed pursuant to this Act, and the liability to forfeiture of any article seized under the authority thereof, and all rents, charges, expenses and duties and all other sums of money payable under this Act may be sued for, determined, enforced and recovered by suit or other appropriate civil proceedings in the name of the Director as the nominal plaintiff, and all such proceedings shall be deemed to be civil proceedings, and the fact that a bond or other security has been paid shall not be pleaded or made use of in answer to or in stay of any such proceedings.

PART 7

Sale, Release and Forfeiture of Retained Property

Requirements for seized property, etc.

38.—(1) The Director may, at any time until an information or charge is laid in respect of the alleged offence for which the property was seized under section 15, on application by—

(a) the person from whom the property was seized; or

(b) the owner or person entitled to the possession of the property seized;

release the property to any such person under bond in such sum and under such sureties and conditions, if any, as the Director may specify.

(2) Where a person to whom property is released under subsection (1) fails to comply with the conditions of any bond or with any condition specified by the Director—

(a) the property may be re-seized at any time at the direction of the Director;

(b) the provisions of this section shall thereupon apply to the property as if it had been seized under section 15;

(c) the Director may, in the case of failure to comply with the conditions of any bond, apply to the Court for an order for estreat of the bond;

(d) where the Director so applies the Court shall fix a time and place for the hearing of the application, and shall, not less than 7 days before the time fixed, cause to be served on every person bound by the bond a notice of the time and place so fixed; and

(e) if on the hearing of any such application it is proved to the satisfaction of the Court that any condition of the bond has not been kept, the Court may make an order to entreat the bond to such an amount as it thinks fit to any person bound thereby on whom notice is proved to have been served in accordance with this subsection; and

(f) any penalty payable in accordance with this subsection shall be recoverable as if it were a fine.

(3) Subject to subsection (4), where, in the opinion of the Director, any fish, fish product or other article seized under section 15 or re-seized under subsection (2)(a) may rot, spoil, deteriorate or otherwise perish, the Director may arrange for its sale or disposal in such manner as the Director may determine and the sale shall be at fair market value.

(4) No product or article to which subsection (3) applies may be sold or disposed of to any person or in any manner which may result in the product or article being used for human consumption.

(5) Where the ownership of any property seized, cannot at the time of seizure be ascertained, the property seized shall be forfeited to the Government and shall be disposed of as directed by the Director after 90 days from the date of seizure if, within that time, it has not been possible to establish the ownership of the property or where subsection (3) applies, the period of time may be determined by the Director.

(6) A purchaser for valuable consideration of any fish, fish product or other article sold under subsection (4) or subsection (5) shall derive good and unencumbered title in respect of that fish, article or property, as the case may be.

(7) Subject to subsection (1), all property seized under this Act and the proceeds from the sale of any such property pursuant to subsection (4), except where such property has been disposed of by the Government pursuant to subsection (5), shall be held in the custody of the Director acting on behalf of the Government until—

(a) a decision is made not to lay any information or charge in respect of the alleged offence for which the property was seized; or

(b) where such a charge or information is laid, upon the completion of proceedings in respect of the alleged offence for which the property was seized, or such sooner time as the Court may determine.

(8) Where any information or charge has been laid in respect of the alleged offence for which the property was seized pursuant to subsection (1), and that property remains in the custody of the Government, the Court may at any time, on application by—

(a) the person from whom the property was seized; or

(b) the owner or person entitled to the possession of the property seized;

release the property under bond to any such person, and any such release may be subject to such sureties and conditions as the Court may specify.

(9) In determining the value of the bond or other form of security, the Court shall have regard to the aggregate amount of—

(a) the value of the property to be released;

(b) the total maximum fine or fines provided for the offence charged or likely to be charged; and

(c) the loss, damages or costs the prosecution would be likely to recover if a conviction were entered, and the Court may set the value at such aggregate amount.

(10) The Government shall not be liable to any person for any spoilage or deterioration in the quality of any fish product or other article seized under this Act.

(11) Subject to subsection (10), but notwithstanding any other provisions of this section, where any property has been seized under this Act, then—

(a) on a decision being made not to lay an information or charge; or

(b) on the acquittal of any person charged with an offence for which the property is subject to forfeiture

such property, or the proceeds from the sale of such property, shall forthwith be released from the custody of the Government to the person entitled thereto.

(12) Notwithstanding any other provisions in this section, an authorised officer who at the time of seizure returns to the water any fish seized pursuant to this Act that he believes to be alive, shall not be under any civil or criminal liability to the person from whom the fish was seized in the event of a decision being made not to lay an information or charge in respect of the fish, or of the person being acquitted of the charge.

Forfeiture of property on conviction

39.—(1) Where a person is convicted of an offence under this Act in relation to which any object is seized and detained and was used in committing the offence (“specified

equipment"), the Court may, on an application by the Director of Public Prosecutions, order that the specified equipment be forfeited to the Crown.

(2) Where the Director of Public Prosecutions proposes to apply to the Court for an order of forfeiture under paragraph (1) the Director of Public Prosecutions shall, subject to subsection (5), notify in writing the owner of and any person (if known) having an interest in the specified equipment that he proposes to apply for such an order.

(3) The owner or other person notified under subsection (2) may appear before the court at the hearing of the application and show cause why the specified equipment should not be forfeited.

(4) Where the Director of Public Prosecutions is unable to ascertain the owner of or any person having an interest in any object to which this regulation applies, he shall publish a notice in a daily newspaper circulating in [country] regarding the intention to apply to the Court for an order for forfeiture, not less than thirty days prior to the application.

(5) Notice shall not be required if the seizure or detention of the specified equipment was made in the presence of the owner or person having an interest in the specified object.

(6) If, upon the application of a person prejudiced by an order made under subsection (1), the Court is satisfied that it is just in the circumstances of the case to revoke such order, the Court may revoke such order upon such terms and conditions, if any, as it deems appropriate, and without prejudice to the generality of the foregoing, may require such person to pay in respect of storage, maintenance, administrative expenses, security and insurance of the specified equipment, such amount as may be charged by the person in whose custody the specified equipment was kept.

(7) An application to the Court under subsection (6) for the revocation of a forfeiture order shall be made within thirty days of the date of the making of such an order or such longer period not exceeding six months, as the Court may allow.

Use or disposal of forfeited property

40.—(1) Any property, fish or other item ordered to be forfeited under this Act, at the expiry of the time limited for appeal and if no appeal is lodged, may be—

(a) retained and used for any purpose of the Government;

(b) destroyed, sold, leased or donated to a charitable organization.

(2) Any property, fish or other item sold under subsection (1), shall be offered for sale at current market prices and sold by tender, public auction or by agreement approved by the Director, provided that if such forfeited item is sold by the Government the owner or apparent owner prior to forfeiture shall be afforded a reasonable opportunity to bid on or purchase such property.

(3) Any property, fish or other item seized under this Act or any monies held pursuant to this Act but not forfeited in any legal proceedings may be held by the Government until all fines, orders for restitution or costs and penalties imposed under this Act have been

paid and failing payment within the time allowed be sold and the balance of the proceeds released after deduction of all fines, orders for costs, penalties imposed under this Act and costs of sale.

(4) The Director or any person acting on his or her behalf shall not be liable in any way for any costs incurred or damages sustained as of a decision taken under subsection (1).

(5) The proceeds of any sale of any item forfeited in accordance with this section shall be deposited into the [to be specified a the national level].

Liability for loss, damage or deterioration of items in custody

41. The Government is not liable to any person for any loss, damage to, or deterioration in the condition or quality of, any property or other item seized, taken possession of or detained or otherwise in its custody for purposes related to implementation this Act.

Release of seized items upon decision not to proceed, acquittal, and absence of forfeiture order

42.—(1) Where any item has been seized under this Act, upon—

(a) a decision being made not to lay an information or charge;

(b) the acquittal of any person charged with all offences with all the offences for which the item is subject to forfeiture; or

(c) the final disposition of all offences for which the item is subject to forfeiture, without any order for forfeiture have being made in accordance with this Act,

such item, or the proceeds from the sale of such item, shall, subject to subsection (2), be forthwith released from the custody of the Director to the person entitled thereto.

(2) The Court may direct that the release of any item, or proceeds from the sale of such item under subsection (1) shall be contingent upon all fines, penalties, orders for costs and other determination imposed by in respect of any of any offence having been paid, and failing payment within such time allowed, such item be sold and the balance of the proceeds returned to the owner, his or her nominee or in the absence of the owner or any nominee, to the apparent owner in accordance with this Act after deducting all fines, penalties, orders, costs and other determinations under this Act and the costs for the sale.

(3) Notwithstanding any provisions in this section, where an authorised officer who at the time of seizure returns to the water any fish seized pursuant to this Act that the officer believes to be alive, shall not be under any civil or criminal liability to the person from whom the fish was seized in the event of a decision being made not to lay an information or charge in respect of the fish, or of the person being acquitted of the charge.

PART 8

Miscellaneous

Application to the Crown

43. This Act binds the Crown.

Repeal

44.—(1) — [Reference to repealed provisions, according to national circumstances].

(2) Subject to subsection (3), all permits, licences granted or appointments made under the repealed provisions, valid and in force immediately before the coming into operation of this Act, shall continue, on such coming into operation, to have full force and effect for the term for which they were granted or made or until they expire or are revoked according to law as if the provisions under which they were granted or made had not been repealed.

(3) Where the Minister is of the opinion that any term or condition of any licence permit or authorisation granted or appointment made under the repealed provisions is at variance with the provisions of this Act to an extent which makes it unacceptable, he or she shall by written notice—

(a) advise the holder of the licence or permit or authorisation, the operator of the vessel in respect of which a licence or permit or authorisation is granted, or the person appointed, as the case may be, of the terms or conditions that is unacceptable;

(b) specify the variation in any term or condition required to ensure compliance with this Act; and

(c) advise that the variation shall apply in respect of the licence, permit or authorisation, or appointment, as the case may be, with effect from a date specified in the notice, unless or she receives notification from the holder of the licence or permit, the operator of the vessel in respect of which the licence or permit is granted or the person appointed, as the case may be, that such variation is unacceptable, in which case the licence, permit or appointment, as the case may be, shall cease to have effect from the date specified.

(4) Any agreement made under or in relation to the repealed provisions, which is substantially at variance with the provisions of this Act shall continue in full force and effect until the earliest possible date of its re-negotiation or renewal according to its terms, at which time it shall be re-negotiated so as to ensure compliance with the provisions of this Act.

Model Fisheries Hygiene (Certification, Licensing and Control) Regulations

Model Fisheries Hygiene (Certification, Licensing and Control) Regulations

Model Fisheries Hygiene (Certification, Licensing and Control) Regulations

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Part A Introduction

1 Enactment and Commencement

(1) These Regulations shall be cited as the Fisheries Hygiene (Certification, Licensing and Control) Regulations 2016.

(2) These Regulations shall enter into force [national commencement conditions].

2 Definitions

In these Regulations—

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

“batch” means a quantity of prescribed products of the same type consisting of one or more lots, or parts of lots, from the same licensed processing establishment or licensed vessel or harvested from a production area;

“by-product” means any part of a prescribed product that is processed in whole or in part for export;

“carrier vessel” means any motorized mother, fishery or fishing boat or ship used only for carriage of aquaculture, inland or marine products or their by-products;

“chemical compound” means any chemical substance that is used in a licensed processing establishment or on a licensed vessel for any purpose other than as a product ingredient;

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

“consignment” means any quantity of prescribed products or their by-products harvested or handled in a licensed processing establishment, licensed factory vessel, or licensed carrier vessel and intended for export;

“container”, in relation to a prescribed product, means the principal covering in which the product is packed;

“critical control point” means a step, practice, procedure, process or location, that can be controlled in order to prevent, reduce or eliminate a hazard, or minimize the likelihood of its occurrence;

“distribution system” means the public water supply;

“enter for export” means the presentation of aquaculture, inland or marine products or their by-products, or shipping documents therefor, to a customs officer for the purpose of shipping or to make arrangement for shipping;

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

“export health certificate” means a certificate issued by the competent authority, authorizing the export of a consignment;

“frozen”, in relation to a prescribed product, means cooled in such a manner that the temperature of every part of the product is -18° Celsius or below after thermal stabilization;

“HACCP plan” means Hazard Analysis Critical Point plan;

“hazard” includes any potential risk to the safety or wholesomeness of a prescribed product or its ingredients that may arise from the presence of biological, microbiological, chemical or physical property during the handling, harvesting and processing of the product;

“identification code” means a letter, number or combination of letters and numbers that, together with a trade description, uniquely identifies the prescribed products in a carton;

“ingredient”, in relation to a prescribed product, means any substance (including a product additive) that is -

(a) a constituent of the product; or

(b) present in the product as a result of processing;

“labelling”, in relation to a chemical compound, includes any printed direction, relating to -

(a) the uses, storage or disposal of that chemical compound;

(b) the means of removal of any residue; or

(c) the means of disposal of any waste or packaging in which the chemical substance was contained, that is affixed to or enclosed in the packaging;

“licence” means a licence granted under these Regulations;

“licensed processing establishment” means a processing establishment operated by a licensee;

“licensed vessel” means a factory vessel, freezer vessel or carrier vessel operated by a licensee, and “factory vessel”, “freezer vessel” or “carrier vessel” have the meaning ascribed to those terms in [reference to the national fisheries vessel licensing legislation];

“licensee” means a person to whom a licence is granted under these Regulations;

“lot” means a quantity of prescribed products of a given species that has been subjected to the same or similar treatment and has come from the same population area or vessel;

“marine biotoxin” means a poisonous substances accumulated by bivalve molluscs feeding on plankton containing toxins;

“marine product” includes fish, lobster, conch, bivalve molluscs, marine gastropods, shrimps and all aquatic animals, or the parts thereof, and their roe;

“monitoring” includes inspection, measuring, sampling and analysis, whether periodically or continuously;

“noxious substance” means any chemical residue, marine biotoxin or other contaminant or prohibited substance;

“operator” mans the owner, director, controller or other person in charge of or responsible for the operations of a processing establishment, factory vessel, freezer vessel, carrier vessel, and includes a charterer, lessee and master;

“operating certificate” means a certificate issued by the competent authority signifying that a processing establishment, factory vessel, freezer vessel, carrier vessel or consignor is licensed under these Regulations;

“packaging” means the procedure of protecting aquaculture, inland and marine products and by-products by a wrapper, container or any other suitable device, and “package” shall be construed accordingly;

“port” includes an airport and a seaport;

“prescribed product” means any product referred to in regulation 3(1);

“processing” means heating, smoking, salting, marinating, dehydration, chilling, filleting, slicing, skinning, mincing, or combinations thereof or any other physical or chemical treatment of any aquaculture, inland or marine product or its by-product but does not include post-harvest handling;

“processing establishment” means my premises in which aquaculture, inland or marine products or their by-products are processed, handled or stored for export;

“water intended for use in the processing of prescribed products” means-

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

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

“wholesome”, in relation to water, prescribed products or an ingredient thereof, means free from micro-organisms, parasites, disease, damage, mould, decay, contamination, deterioration or any other defect which renders the water, prescribed products or ingredients thereof, unfit for human consumption;

3 **Scope**

(1) Subject to paragraph (3), these Regulations apply to fresh, chilled or frozen fish and other aquatic products and their by-products, from aquaculture, inland fisheries or marine fisheries, intended for human consumption and intended for export.

(2) [Provision to connect definitons of “fish”, “aquatic product”, “aquaculture”, “inland fisheries” and “marine fisheries” to corresponding terms in national fisheries legislation].

(3) These Regulations shall not apply to prescribed products—

a) that are ships' stores or aircraft stores, which are brought into [country] for the service of a ship while on a voyage, or on an air- craft on a flight to or from [country];

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

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

d) subject to paragraph (3), that are exported in a consignment that does not exceed-

i) 1 litre in the case of liquid; or

ii) 1 kilogram in any other case;

e) that are being imported-

i) as a commercial sample in the quantities specified in sub-paragraph (d); or

ii) in such circumstances as are determined by the competent authority for the purposes of assisting it in the discharge of its functions under the Act or these Regulations.

4 Advisory committee

There is hereby established an advisory committee which shall operate in accordance with the Statutes set out in the Third Schedule.

5 Coordination between public authorities

(1) The competent authority shall consider appropriate methods of coordination amongst all public authorities concerned, whether under these Regulations or other laws in force, in the licensing and control of fish and fishery product hygiene.

(2) The methods referred to in paragraph (1) may include, with the consent of any of the joined authorities, joint agreements or joint administrative procedures.

Part B Fish and Fishery Product Hygiene Protocols

6 Application of Protocols

A Protocol adopted or recognised by the Minister under [the Act] shall become an integral part of these Regulations and shall have legal effect.

7 Requirement to apply Protocols

(1) It shall be a deemed condition of any licence granted or renewed under Part C to apply each requirement in any Protocol to which regulation 6 applies, insofar as any such requirement is applicable to the particular processing facility or vessel and the processing activities undertaken.

(2) In making an application for a licence, including renewal or transfer of a licence, under Part C, an applicant shall demonstrate his ability to implement and apply the requirements of the Protocols that apply to him.

Part C Licensing

8 Requirement for a licence

It is an offence under these Regulations to engage in fish processing without holding a valid licence granted under regulation 9, the maximum penalty for which is [penalties to be specified by Member State].

9 Applications for licences

(1) An application for a licence, or for a renewal of a licence–

(a) must be made to the competent authority in the manner and form required by paragraphs (2) to (4);

(b) be accompanied by any materials that may be required under regulation 10; and

(c) where fees are prescribed by the Minister, must be accompanied by payment of the fee in the amount prescribed.

(2) An application for a licence to export or enter prescribed products for export shall be in the form set out as Forms 3 and 3A, respectively in the First Schedule.

(3) An application for a licence to operate a processing establishment shall be in the form set out as Form 4 in the First Schedule.

(4) An application for a licence to operate a factory vessel, freezer vessel or carrier vessel shall be in the form set out as Form 5 in the First Form 5 Schedule.

10 Materials to accompany an application

(1) Having regard in particular to regulation 7(2), an application under regulation 9(3) or (4) in respect of a processing establishment or vessel shall be accompanied by—

(a) a HACCP plan or such other system or procedure which, in the opinion of the competent authority, is equivalent to a HACCP plan;

(b) an outline of good manufacturing practices; and

(c) the plans and specifications specified in paragraphs (2) and (3).

(2) The plans referred to in paragraph (1) shall include—

(a) a map showing the location of the site and any factory industry or activity within one kilometre of the processing establishment that may affect the hygienic preparation of prescribed products;

(b) an appropriate site plan showing-

i) the layout of the premises;

ii) roads;

iii) water supply;

iv) storm water drainage;

v) waste water drainage;

vi) on-site waste disposal;

vii) any other salient features of the site; and

viii) adjoining sites including location of adjacent establishments;

(c) an appropriate floor plan, indicating the auxiliary areas in which prescribed products will be handled (including laboratories, stores, cold stores, amenities, permanent fixtures and layout of equipment);

(d) a product flow chart and the main features of the product flow;

(e) a list of all major items of equipment used in the processing of prescribed products; and

(f) amenities to be used by inspectors.

(3) The specifications referred to in paragraph (1) shall contain details on the following—

(a) construction materials;

(b) construction materials of the equipment used in product handling areas;

(c) surface finishes;

(d) surfaces with which ingredients or prescribed products will come in contact;

(e) availability of electricity and water;

(f) operating temperatures, freezing rate and storage capacity of all refrigeration equipment and refrigerated rooms, holds and tanks;

(g) in the case of vessels, the number of crew and persons carrying out harvesting, handling, processing and storage duties.

11 Grounds for issue or renewal of a licence

(1) Subject to the other provisions in this Part, on being satisfied that—

(a) an application for a licence has been made in the prescribed manner and contains all the information required;

(b) the prescribed fees, if any, have been paid;

(c) the proposed procedures described in the application documents are appropriate and sufficient to meet, taking into account the nature and type of the processing operations;

(d) the applicant has the necessary ability to implement the proposed procedures described in the application documents;

(e) the applicant is in any case a fit and proper person to be granted a licence;

the competent authority shall issue or renew a licence.

(2) In making the determination under paragraph (1)(d), the competent authority shall take account of any relevant matter, including the following—

(a) whether the applicant or licensee has a history of repeated non-compliance with the terms of his licence or with these Regulations;

(b) whether any information required to be given or reported under these Regulations has been shown to be false, incomplete, incorrect or misleading;

(3) A licence shall be in the prescribed form and may be issued subject to such general or specific conditions as may be imposed under these Regulations or that the competent authority may think fit to impose, and any conditions so imposed shall be endorsed on the licence.

12 Approval of alterations

(1) A licensee shall not make any alteration to his licensed processing establishment or licensed vessel without the prior written approval of the competent authority.

(2) The competent authority may request such additional studies, plans and assessments or other information he considers necessary in order to make a decision under paragraph (1).

13 Suspension, revocation or modification of licences

(1) The competent authority may suspend, revoke or modify a licence where he is satisfied that—

(a) the licensee has a history of repeated non-compliance with the terms of his licence or with these Regulations; and

(b) it is the public interest to do so.

(2) Where the competent authority proposes to suspend, revoke or modify a licence, the competent authority shall give the holder of the licence at least 28 days' notice of –

a) its intention to do so;

b) the terms of the suspension or modification, as the case may be; and

c) the grounds upon which the suspension, revocation or modification is proposed to be made;

and before taking the action proposed the competent authority shall consider any representations made by the holder of the licence before the expiration of the notice.

(3) No reimbursement of licence fees or any other compensation will be due to a licensee following suspension, revocation or modification of a licence.

14 Duration and transferability of licences

(1) Unless specified otherwise in the licence, a licence granted under these Regulations shall be valid for one year from the date of issue.

(2) Licences are not transferable.

Part C Export procedures

15 Intention to enter prescribed products for export

(1) An application pursuant to regulation 9 to enter prescribed products for export shall be made to the competent authority at least seven days prior to the proposed date of export of the product.

(2) Where an operator has applied pursuant to regulation 9, the competent authority shall, where it deems necessary, cause an inspection of the prescribed products to be carried out.

(3) Where on inspection—

a) the prescribed products are found to be fit for human consumption and for export; and

b) the prescribed products meet the requirements of the importing country,

the competent authority shall, in addition to issuing an export licence, issue an export health certificate in respect to such products.

(4) No person shall alter, add to or delete information contained in—

a) an application to enter prescribed products;

b) an export licence; or

c) an export health certificate.

16 Cancellation of export licence and export health certificate

Where an inspector has reasonable grounds to believe that after certification or the grant of an export licence or export health certificate and before the products are exported that-

a) there is non-compliance with any regulation relating to prescribed products: or

b) the condition of the prescribed products has deteriorated.

he shall inspect the prescribed products and detain the products if the condition has deteriorated, and so inform the competent authority which shall immediately notify the operator in writing stating that certification and the export licence and export health certificate are cancelled and the reasons therefor and the operator shall forthwith return the notice of intention and the export licence and export health certificate and shall not export the prescribed products.

17 Recall of exported products

(1) Paragraph (2) shall apply in any case where, after export, the competent authority—

a) becomes aware that an application for an export licence or an export health certificate contains or is based on false or misleading representation or on information which is false in a material particular;

b) becomes aware that an administrative error has occurred in relation to an export licence or an export health certificate and it is necessary to correct that error;

c) becomes aware that an operator has failed to comply with the provisions of these Regulations; or

d) otherwise believes that exported fish pose a danger to public health and safety.

(2) The competent authority—

(a) may, as it thinks necessary, suspend for such period as it thinks fit, or withdraw, the export licence or export health certificate;

(b) on the suspension or withdrawal of the export licence or export health certificate, shall immediately notify the operator in writing that certification and the export licence and export health certificate are withdrawn or suspended and the reasons therefor; and

(c) may take such steps as it deems necessary to recall the exported products or to prevent the acceptance of the exported products by the importing country.

18 Prescribed products not fit for export but fit for human consumption

Where an authorised officer has inspected prescribed products, and he has reasonable grounds to believe that the prescribed products are not fit for export but fit for human consumption he shall—

(a) cause the prescribed product to be handled, treated, stored or marked so to prevent deterioration; and

(b) cancel, remove and deface any official export health marks that may have been applied.

19 Re-inspection

(1) An operator may resubmit prescribed products that have been rejected for export for re-inspection.

(2) The operator shall before resubmitting the prescribed products—

(a) notify the competent authority in writing that the prescribed products are being resubmitted for inspection;

(b) indicate the nature of any further preparation or processing operations that have been undertaken in relation to the prescribed products to render them fit for export; and

(c) provide evidence that the further preparation or processing has resulted in the prescribed products being suitable for export.

(5) Where on re-inspection—

a) the prescribed products are found to be fit for human consumption and for export; and

b) the prescribed products meet the requirements of the importing country,

the competent authority shall, in addition to issuing an export licence, issue an export health certificate in respect to such products.

(6) Where on re-inspection the prescribed products are found to be not fit for export but fit for human consumption, the authorised officer shall take such measures as may be appropriate under regulation 18(a) or (a).

(7) Where on re-inspection an authorised officer is satisfied that prescribed products are not fit for human consumption he shall—

a) cause those products to be separated from other prescribed products to prevent contamination;

b) cause those products to be labelled clearly as unfit for human consumption;

c) cause those products to be removed as quickly as possible from the licensed processing establishment or licensed vessel; and

d) cause the prescribed products that are suitable for use as animal feed, or pharmaceutical purposes to be so marked, handled, treated and stored and condemn, mark and destroy those that cannot so be used.

(8) An operator is responsible for all costs associated with the proper handling, treatment, storage and disposal of all prescribed products which are not fit for human consumption.

Part D Obligations of licensees

20 General obligations of licensee

(1) Every operator of a licensed processing establishment or licensed vessel shall take such measures as are necessary to ensure that at all stages of the harvesting, handling, processing, packaging, storage, transportation and export of prescribed products, there is compliance with the provisions of—

(a) the terms and conditions of the licence, including the deemed requirements of any Protocol;

(b) any and all obligations, terms and conditions specified in or under these Regulations, including any terms and conditions specified in an enforcement notice or an improvement notice; and

(c) any and all obligations, terms and conditions specified in or under other applicable Regulations, laws and licences.

(2) In ensuring that standards are maintained an operator shall prepare a HACCP plan or such other system or procedure which, in the opinion of the competent authority, is equivalent to a HACCP plan and shall document all information relevant to the systems and its verification, and shall include details concerning—

(a) the prescribed products;

(b) the operating procedures;

(c) the procedures for the monitoring of critical points and a review of the system;

(d) the records to be maintained; and

(e) the management process.

(3) The management process referred to in paragraph (2)(e) shall include—

(a) procedures for samples to be taken for analysis;

(b) records of observation and measurements;

(c) results of verification activities;

(d) reports and written accounts of decisions relating to corrective action that has been taken;

(e) procedures for easy retrieval of all documents relating to an identified batch.

(4) The HACCP plan shall be examined as part of the inspection process.

(5) The competent authority may give to the operator such guidelines as may be necessary for the rectification of any deficiencies in the operation of the processing establishment or the HACCP plan.

(6) Any change in the operating procedures relevant to the harvesting, handling or the processing of prescribed products that would introduce a new critical control point to the system or substantially change an existing critical point in the system shall be documented in the HACCP or equivalent plan and the amended plan shall be submitted to the competent authority for approval and the provisions of paragraph (5) shall apply thereto.

(7) The competent authority shall advise the operator in writing within seven working days of his approval or non-approval of the changes.

21 Failure to comply with general obligations

(1) The competent authority may suspend, revoke or modify a licence if it is satisfied that there has been a breach of any of the obligations described in regulation 20.

(2) Where the competent authority proposes to revoke or suspend a licence, the competent authority shall give the holder of the licence at least 28 days' notice of—

a) its intention to do so;

b) the terms of the suspension or modification, as the case may be; and

c) the grounds upon which the revocation, suspension or modification is proposed to be made;

and before taking the action proposed the competent authority shall consider any representations made by the holder of the licence before the expiration of the notice period.

22 Keeping of records

(1) The licensee shall maintain and keep all reasonable records and information concerning the licensed processing establishment or licensed vessel, as the case may be, including –

(a) any records or information specified in any Protocol;

(b) production records;

(c) all management procedures and policies.

(2) Records required to be kept under paragraph (1) shall be retained—

(a) in the case of records relating to the harvesting, handling, processing or movement into or out of prescribed products, for the shelf life of the products, or for a period of three years, whichever is the longer;

(b) in any other case, for a period of five years,

and be made available for inspection on request.

(3) All records kept by an operator shall be accurate, legible and dated.

(4) No person shall alter or tamper with any recording or measuring device used to supply data, information or other recordings required by or under these Regulations in order to obtain a false or misleading reading.

23 Duty to report

The licensee must inform the competent authority immediately of any of the following in respect of his licensed processing establishment or licensed vessel, as the case may be—

(a) abnormal results or observations in relation to the water supply;
(b) a finding of a fish disease;
(c) any contamination of fish or fishery products that have not been identified by an authorised officer or the competent authority.

Part E Inspection and monitoring

24 Authorised officers to carry identification cards

A person appointed to be an authorised officer under [the Act] shall be furnished with an identification card and shall, on entering any place for the purpose of carrying into effect any of the functions specified in regulation 25, produce the identification card when required.

25 Functions of authorised officers

(1) Without prejudice to any functions, powers and duties specified in the Act, the functions of an authorised officer shall be—

(a) to inspect processing establishments, factory vessels, freezer vessels or carrier vessels in order to-

i) ensure compliance with provisions of these Regulations or any condition subject to which a licence is granted;

ii) examine the premises, facilities, equipment and staff in order to determine whether they comply with the requirements of the [Public Health Act] and these Regulations with respect to standards of sanitation and hygiene;

iii) verify whether aquaculture, inland and marine products and their by-products and any equipment, material or other item used or found in any processing establishment, factory vessel, freezer vessel or carrier vessel are handled and treated correctly;

iv) ensure the correct application and functioning of purification and conditioning systems;

v) monitor the use of health marks;

vi) determine the suitability of any processing establishment, factory vessel, freezer vessel or carrier vessel for the processing of aquaculture, inland or marine products or their by-products to be granted a licence and an operating certificate under these Regulations;

(b) to monitor the relay and production areas of aquaculture, inland and marine products for the purposes of-

i) controlling any malpractice with regard to the origin and destination of aquaculture, inland and marine products and their by-products;

ii) determining the microbiological quality of live marine products in relation to such areas;

iii) detecting the presence of toxin-producing plankton, biotoxins and chemical contaminants in aquaculture, inland and marine products and their by-products;

(c) to monitor the implementation of any plans or schemes established by the competent authority;

(d) to examine any aquaculture, inland or marine product or its by-product;

(e) to certify for export, any such aquaculture, inland or marine product or its by-product;

(f) to take samples of any aquaculture, inland or marine product or its by-product or any other article, from any place within a licensed processing establishment or licensed vessel in order to determine whether proper sanitary conditions are being maintained;

(g) to inspect any container, vehicle, aircraft or vessel which is used or intended to be used far the storage or transportation of aquaculture, inland or marine products or their by-products;

(h) to open and examine any container, vehicle or other storage device at licensed processing establishments or on licensed vessels which is reasonably believed to contain any aquaculture, inland or marine product or its by-product;

(i) to tag-

i) any aquaculture, inland or marine products or their by-products and any container or package in which they are stored, which contravene or which the inspector believes to contravene the requirements of these Regulations; and

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

(j) to give directives to the owner, agent or person in charge of any container, vehicle, aircraft, boat or vessel which is used or intended to be used in the storage or transportation of aquaculture, inland or marine products or their by-products;

(k) to examine and, where necessary, make copies of or take extracts from any records and documents in relation to any aquaculture, inland or marine products or their by-products which consignors are required to keep pursuant to these Regulations.

26 Facility sanitation requirements

(1) The competent authority may, from time to time, conduct or cause to be conducted the inspection, sampling, testing and analysis of the waters of production areas to ensure that the requirements specified for this regulation water quality, environmental standards and facilitation sanitation standards are met.

(2) Where any such inspection indicates—

a) that the requirements referred to in paragraph (1) are met, the competent authority may demarcate and approve that production area as one from which prescribed products may be harvested for export;

b) the presence of any such substance above acceptable levels, the competent authority shall forthwith take such steps as are necessary to notify interested persons of the results of that inspection.

(3) The competent authority shall keep records of all inspections, sampling, testing and analysis carried out pursuant to paragraph (1).

27 Duties with respect to water quality

(1) The competent authority shall ensure that any supply of water intended for use in the processing of prescribed products which constitutes a potential risk to the wholesomeness of such products is prohibited.

(2) The competent authority shall—

(a) publish an annual report on the quality of water intended for use in the processing of prescribed products in licensed processing establishments; and

(b) take all reasonable measures to ensure that the report referred to in paragraph (a) and other relevant and up-to-date information on the quality of water intended for use in the processing of prescribed products in licensed processing establishments is made available to every operator.

(3) An operator of a licensed processing establishment shall—

(a) notify the competent authority of the source of its water supply;

(b) when required by an inspector, demonstrate the water distribution system in the licensed processing establishment;

(c) cause to be prepared a distribution and recirculation plan showing all pipes and outlets within the licensed processing establishment and identifying all outlets.

(4) The plan mentioned in paragraph (3)(c) shall, when required by an inspector, be made available for inspection.

(5) The competent authority shall establish appropriate programmes to monitor the quality of water intended for use in the processing of prescribed products to parameters and ensure that the water conforms to the parametric values set in accordance with any Protocol or regulations in force.

(6) In every inspection of a licensed processing establishment, the inspector shall carry out an initial examination of the water supply thereof in order to determine compliance with these Regulations.

(7) Any monitoring programme established under paragraph (1) shall involve examination of samples from the water sources in accordance with any quality standards set out in a Protocol.

(8) The competent authority shall take or cause to be taken for examination samples of the water from the water sources—

(a) at the point of entry;

(b) at the point of use; and

(c) during the processing of prescribed products.

(9) Where it is found, as a result of monitoring carried out under paragraph (1), that the water at source does not comply with the parameters and parametric values established in accordance with paragraph (7), the competent authority shall—

(a) launch an immediate investigation in order to determine the cause of the deterioration in the quality of the water;

(b) take all reasonable steps to promptly warn all operators where there is an unacceptable risk to public health;

(c) in the case of the national supplier of water, advise of the problem and prepare an action programme for the improvement of the quality of water as soon as practicable;

(d) in the case of a private water supply, notify the person responsible for the supply as soon as is practicable and advise of the measures to be taken for the improvement of the quality of the water; and

ensure that immediate remedial action is taken to improve the parametric value of the water.

(10) If water intended for use in the processing of prescribed products does not meet the parameters and parametric values set in accordance with paragraph (7), the operator shall ensure that the necessary remedial action is taken as soon as possible to restore the quality of the water and shall give priority to cases based on the extent to which the parameters and parametric value has been exceeded and the extent to which the wholesomeness of the particular product has been compromised.

(11) Where an operator fails to apply the appropriate treatment techniques to reduce or eliminate the risk of dangerous levels of micro- organisms, parasites or other substances in the water, the competent authority shall cause the operator to suspend its processing operations pending compliance.

System of inspection and monitoring

28 Inspection system

An authorised officer shall, upon completion of an inspection of a processing establishment, factory vessel, freezer vessel or carrier vessel to which an application for a licence relates, make a report in writing of the assessment to the competent authority.

29 Inspection of prescribed products

(1) An authorised officer shall ensure that—

(a) only live aquaculture, inland and marine products are harvested;

(b) licensed vessels are offloaded at designated landing sites;

(c) prescribed products are properly placed in batches and that sampling thereof is carried out as required;

(d) an operator has in relation to prescribed products valid transport certificates and has affixed correct identification codes on the batches;

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

(f) an operator implements systems to ensure proper monitoring of all activities carried out in a licensed processing establishment or licensed vessel.

(2) An authorised officer shall on the directive of the competent authority, carry out inspections of licensed establishments and licensed vessels.

(3) An inspection under his regulation shall be carried out in accordance with internationally accepted procedures.

(4) An operator may request the competent authority to carry out an inspection of a licensed processing establishment or a licensed vessel, and the competent authority shall cause an inspection to be carried out on payment by the operator of the appropriate fee as may be prescribed.

(5) The operator of a licensed vessel shall, as far as is practicable, land his prescribed products during the normal working hours of the authorised officer and where a vessel lands outside of such normal working hours, the operator shall ensure that the prescribed products remain in the vessel until the arrival of an authorised officer.

(6) Where an authorised officer carries out an inspection outside of his normal working hours the operator shall pay to the competent authority such sum as is agreed between the competent authority and the operator.

(7) The operator of a licensed processing establishment or a licensed vessel shall not prevent an authorised officer at that licensed processing establishment or on that licensed vessel from observing or interviewing any employee, agent or contractor or licensed vessel, as the case may be.

(8) Where a batch fails an inspection that batch shall be rejected.

(9) An operator shall not export any batch of prescribed products which has failed an inspection.

(10) An authorised officer shall, upon completion of an inspection of a batch of prescribed products, submit a specimen of the product to the competent authority for testing and where the batch is rejected as being unfit for human consumption, the competent authority shall so advise the operator in writing.

(11) After withdrawal of a notice of suspension the operator of the licensed processing establishment or licensed vessel whose licence was suspended may resume operations of the licensed processing establishment or licensed vessels.

30 Inspection of fishing vessel at sea

The competent authority may cause an inspection and audit of licensed vessels, which harvest, handle or process prescribed products for export, to be carried out during operations at sea, at such time as the competent authority may determine and the operator thereof shall not prevent the carrying out o f such inspection audit.

31 Inspection in port

(1) The competent authority may request an operator of a licensed vessel to make that vessel available for inspection and audit at a specified port, within the time specified.

(2) Where the operator of a licensed vessel is unable to make the vessel available for inspection under paragraph (1) he shall, within forty-eight hours before the inspection and audit, so notify the competent authority.

(3) The competent authority shall notify the operator of the new place or time for inspection where the competent authority is notified under paragraph (2).

(4) Prescribed products which are harvested, handled or processed on board a licensed vessel, shall not be sent to a licensed processing establishment or entered for export or exported, between the date of the request and the date the licensed vessel is presented for inspection at the specified port.

32 Designated landing sites

(1) The Minister, with the agreement of the Minister responsible for fisheries, if different, shall by Notice published in *the Gazette* designate a port, landing site or other place (in these Regulations, "designated landing site") in accordance with this regulation, and may specify certain requirements ("designated landing site requirements") concerning the landing of fish at that site.

(2) The requirements referred to in sub-regulation (1) may include requirements—

(a) that certain fish be landed at the designated landing site;

(b) that certain fish be landed at the designated landing site at specified times, with an appointed person present;

(c) that certain categories of fishing vessel, licence holder or fisher land fish, or certain fish, at the designated landing site;

(d) that any owners, operators, or masters of vessels, or any permit holders, or any of them, notify appointed persons of the intention to land fish; or

(e) concerning the manner of landing, the information to provided on the catch being landed, including the provision of any catch log or declaration, by any person, and the manner of any inspection or examination by an authorised officer.

(3) Any person carrying out an activity to which designated landing site requirements apply shall comply with those requiemenrs.

Part G Miscellaneous

33 Confidentiality

(1) Any person carrying out duties or responsibilities under these Regulations, including the Minister, officers of the competent authority or authorised officers, shall not, unless authorized in accordance with these Regulations, or otherwise required to do so by law, reveal information or other data of a confidential nature acquired by virtue of their authority, duties and responsibilities to any person not having such authority or carrying out such duties and responsibilities.

(2) The following information shall be confidential –

(a) any information or data of a commercial nature provided in records, returns, or other documents required under these regulations;

(b) such other information or data as may be prescribed from time to time.

(3) Confidential information may be disclosed to the extent –

(a) that disclosure is authorized or required under law;

(b) that the person providing the information authorized its disclosure;

(c) necessary to enable the Minster to publish statistical information relating to the fisheries or food safety sectors; or

(d) necessary to enable advice to be given to the Minister or the competent authority.

FIRST SCHEDULE

Form 1 [Regulation nos.]

Stamp of Competent Authority

STAMP OF THE COMPETENT AUTHORITY UNDER THE FISHERIES HYGIENE (CERTIFICATION, LICENSING AND CONTROL) REGULATIONS

FIRST SCHEDULE, *contd.*

Form 2 [Regulation nos.]

Inspector's Identification Card

Fisheries Hygiene (Certification, Licensing and Control) Regulations

Inspector's Identification Card

Photograph of Inspector's

_____

_____

Name of Inspector_____

Identification No. _____

Date of Issue _____

Authorized Signature _____

FIRST SCHEDULE, *contd.*

Form 3 [Regulation nos.]

Fisheries Hygiene (Certification, Licensing and Control) Regulations

Application for a Licence to Enter Prescribed Products for Export

Application No. _____

Date of Application _____

I/We …….....…….....…..., hereby apply for a licence to enter for export the consignment of prescribed products specified below:-

PART I- *Particulars of Applicant*

Full name of applicant _____

Address of applicant _____

_____

Position of applicant (where applicable) _____

Telephone No._____ Fax No. _____

Email _____Telex No._____

PART II- *Particulars of Prescribed Products*

Species (insert scientific names then common names)

_____

_____

Presentation of products and type of treatment (e.g. live, refrigerated, frozen, salted, preserved, pickled, chopped, whole, gutted, headless) _____

Code/Batch number _____

Type of packaging _____

Number of packages _____

Net Weight _____

Requisite storage and transport temperature _____

PART III- *Origin of Products and by-products*

Name and official identification number of vessel(s) where product harvested and handled

_____

_____

_____

Date(s) of harvest _____

_____

Approved production areas from which product was harvested

_____

_____

Name address and identification number of establishment that processed product

_____

_____

_____

Date of processing and cold storage _____

_____

Temperature required during transportation _____

Container _____ **Refrigerated truck** _____

PART IV- *Destination of Products and By-Products*

The products are dispatched from

_____

(*place of dispatch)*

to _____

(*country and place of destination*)

by the following means of transportation or a combination of them (specify means of transport; if air, specify name of airline and flight number; if land, specify route, if sea, specify name of vessel and sports and whether goods will be offloaded or remain in transit)

_____

_____

_____

_____

Name of Consignor _____

Name of Consignee and address at place of destination _____

_____

_____

_____

MISCELLANEOUS

Your application is to be accompanied by the prescribed application fee.

Declaration

I/We hereby declare that the provisions of the Regulations that apply to the products referred to in this notice have been and will be complied with until the products are exported, and that all due care will be exercised to ensure that the prescribed products mentioned above arrive at their destination in compliance with the provisions of the Regulations.

I/We understand that any failure to comply with the Regulations may result in the suspension or cancellation of my/our export license or export health certificate.

Dated this day of , 20

Signature of Applicant

FIRST SCHEDULE, *contd.*

Form 4 [Regulation nos.]

Fisheries Hygiene (Certification, Licensing and Control) Regulations

Application for a Licence to Enter Prescribed Products

Application No. _____

Date of Application _____

I/We ……....., hereby apply for a licence to enter for export the consignment of prescribed products specified below:-

PART I- *Particulars of Applicant*

Full name of applicant _____

Address of applicant _____

_____

Position of applicant (where applicable) _____

Telephone No._____ Fax No. _____

Email _____Telex No._____

Full name of licensed processing establishment or vessel

_____

PART II

Species (insert scientific names then common names)

_____

_____

_____

MISCELLANEOUS

Your application is to be accompanied by the prescribed application fee.

Declaration

I/We hereby declare that the provisions of the Act and the Regulations that apply to the products referred to in this notice have been and will be complied with until the products are exported, and that all due care will be exercised to ensure that the prescribed products mentioned above arrive at their destination in compliance with the provisions of the Act and Regulations.

I/We understand that any failure to comply with the Act and Regulations may result in the suspension or cancellation of my/our export license or export health certificate.

Dated this day of , 20

Signature of Applicant

FIRST SCHEDULE, *contd.*

Form 5 [Regulation nos.]

Fisheries Hygiene (Certification, Licensing and Control) Regulations

Application for a Licence to Operate a Processing Establishment

Application No. _____

Date of Application _____

Name of owner/operator of establishment_____

Business address of owner/operator_____

Name of operator of establishment _____

Business address of operator if different from address of establishment _____

Particulars of export operations _____

_____

_____

Other operations at the processing establishment if any, likely to affect the export operations carried on at the establishment _____

_____

_____

MISCELLANEOUS

Your application shall be accompanied by the following:-

1. The documents required by the Guidelines to Veterinary Inspection and Monitoring of Fish Processing Establishment Operations set by the Veterinary Services Division of the Ministry responsible for agriculture.
2. The Public Health Certificate pursuant to regulation 13 (4) (a).
3. The prescribed application and inspection fees.

Signature of Applicant _____

FOR OFFICIAL USE

Date Inspected _____

Result of Inspection _____

Document Received _____ Application Granted/Refused

Fee Received _____ If Granted: Licence No. _____

Operating Certificate No. _____

Dated Application Received_____ If refused reasons therefore _____

FIRST SCHEDULE, *contd.*

Form 6 [Regulation nos.]

Fisheries Hygiene (Certification, Licensing and Control) Regulations

Application for a Licence to Operate a Factory Vessel / Freezer Vessel / Carrier Vessel

Application No. _____

Date of Application _____

Name Vessel _____

Home Port of vessel _____

Name and Address of Operator of vessel _____

_____

_____

Type of vessel carrier_____freezer _____ factory _____

Will persons sleep on vessel _____ No of persons _____

Describe facilities _____

_____

_____

_____

Port of loading and off-loading of prescribed products _____

_____

_____

Port where prescribed products are to be inspected _____

_____

Particulars of harvesting, handling or processing of prescribed products _____

_____

Particulars of other operations likely to affect the harvesting, handling or processing of prescribed products on board _____

_____

MISCELLANEOUS

Your application shall be accompanied by the following documents:-

1. Proof of ownership or base of vessel
2. The Public Health Certification of crew members.
3. HACCP Plan and relevant specifications of the vessel and equipment to be used thereon
4. Proof of registration under the Fishing Industry Act
5. The prescribed fees

Signature of Applicant _____

FOR OFFICIAL USE

_____

Date Inspected _____

Result of Inspection _____

Document Received _____ Application Granted/Refused

Fee Received _____ If Granted: Licence No. _____

Operating Certificate No. _____

Dated Application Received_____ If refused reasons therefore _____

_____

FIRST SCHEDULE, *contd.*

Form 7 [Regulation nos.]

Fisheries Hygiene (Certification, Licensing and Control) Regulations

Licence to Enter Prescribed Products for Export

Licence No. _____

_____

(*Name of Exporter*)

of _____

(*Business Address of Exporter*)

is hereby Licensed to enter prescribed goods for export.

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

The prescribed goods which may be exported pursuant to this Licence are-

This Licence is granted under the following condition-

Breach of the Act or Regulations shall result in suspension or revocation.

Dated the day of ,20

(*Affix Stamp of Competent Authority*)

Signed:

Director, Veterinary Services Division
Ministry of Agriculture

FIRST SCHEDULE, *contd.*

Form 8 [Regulation nos.]

Fisheries Hygiene (Certification, Licensing and Control) Regulations

Licence to Export

Licence No. _____

_____

(*Name of Exporter*)

of _____

(*Business Address of Exporter*)

is hereby Licensed to export prescribed goods.

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

The prescribed goods which may be exported pursuant to this Licence are-

This Licence is granted under the following condition-

Breach of the Act or Regulations shall result in suspension or revocation of the licence.

Dated the day of ,20

(*Affix Stamp of Competent Authority*)

Signed:

Director, Veterinary Services Division
Ministry of Agriculture

FIRST SCHEDULE, *contd.*

Form 9 [Regulation nos.]

Fisheries Hygiene (Certification, Licensing and Control) Regulations

License to Operate a Processing Establishment

License No. _____

_____

(Name of Operator)

of_____

(Business Address of Operator)

is hereby licensed to operate a processing establishment at_____

_____

(Business Address of Operator)

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

The prescribed goods which may be exported pursuant to this license are-

This license is granted under the following condition-

Breach of the Act or Regulations shall result in suspension or revocation.

Dated the day of , 20

(**Affix Stamp of Competent Authority**)

Signed:_____

Director, Veterinary Services Division
Ministry of Agriculture

FIRST SCHEDULE, *contd.*

Form 10 [Regulation nos.]

Fisheries Hygiene (Certification, Licensing and Control) Regulations

License to Operate Carrier Vessel/Factory Vessel/Freezer Vessel

License No. _____

_____

(Name of Operator)

of_____

(Business Address of Operator)

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

_____

(Name of Home Port)

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

The prescribed goods which may harvested and found on the carrier vessel/factory vessel/freezer vessel pursuant to this license are-

This license is granted under the following condition-

Breach of the Act or Regulations shall result in suspension or revocation.
Dated the day of , 20

(Affix Stamp of Competent Authority)

Signed: _____

Director, Veterinary Services
Division

***Dele**

FIRST SCHEDULE, *contd.*

Form 11 [Regulation nos.]

Fisheries Hygiene (Certification, Licensing and Control) Regulations

Operating Certificate Pursuant to License

No. _____

This is to certify that _____

(Name of Operator)

of_____

(Business Address of Operator)

has been granted, on the day of , 200 , a license No._____ to operate a * processing establishment/carrier vessel/factory vessel freezer vessel for a period of _____months, unless the licence is previously suspended or revoked.

Dated the day of , 20

(Affix Stamp of Competent Authority)

_____

Director, Veterinary Services Division
Ministry of Agriculture

Delete which is inapplicable

FIRST SCHEDULE, *contd.*

Form 12 [Regulation nos.]

Fisheries Hygiene (Certification, Licensing and Control) Regulations

Notice of Appeal

Appeal No. _____

To: The Minister responsible for Agriculture

Take notice that I, _____

of_____
(Business Address)

being a consignor or operator of a processing establishment/carrier vessel/ factory vessel/ freezer vessel, hereby appeal against the decision of the competent authority, in the matter of_____

_____

This decision was notified to me on the_____ day of_____ 20

The grounds of appeal are-

I attach herewith copies of correspondence, documents or statements relevant to the appeal and receipt evidencing payment of the prescribed fee.

Dated the _____day of _____ 200

_____
Signature of the Appellant

SECOND SCHEDULE

Contents of Official Register

1. Date of application.
2. Name of applicant.
3. Business address of applicant.
4. Name of operator, if different from applicant.
5. Business address of operator, if different from applicant.
6. Category of license for which application made.
7. Address of processing establishment or home port of carrier vessel, factory vessel or freezer vessel.
8. Nature of export operation.
9. Description of equipment, facilities and services in processing establishment or on board carrier vessel, factory vessel or freezer vessel.
10. Type, description and identification number of carrier vessel, factory vessel or freezer vessel.
11. Number and expiry date of Public Health Certificate of processing establishment.
12. Date of inspection of processing establishment, carrier vessel, factory vessel or freezer vessel.
13. Name and identification number of inspector carrying out inspection.
14. Date of submission of report of inspection.
15. Date of grant of license.
16. Date of refusal of application.
17. Reasons for refusal.
18. Date of notification or refusal of application.
19. Date of renewal of license.
20. Date of notification of suspension of license.
21. Reasons for suspension of license.
22. Date of withdrawal of suspension of license.
23. Date of notification of revocation of license.
24. Date of notice of appeal.

25. Grounds of appeal.
26. Decision of appeal.
27. Date of notification of decision of appeal.
28. Date of revocation of license.

THIRD SCHEDULE

Statutes of the Advisory Committee

Functions of the advisory committee

(1) The functions of the advisory committee shall include—

(a) to advise the competent authority on general policy relating to the export of fishery products or any other matters in respect of which advice is sought by the competent authority;

(b) to initiate, carry out or support, research which, in its opinion, is relevant to any of its functions; and

(c) to prepare and submit to the competent authority, annual reports regarding the export of fishery products;

(d) to perform such other functions pertaining to the export of fishery products as may be assigned to it from time to time by the Minister.

(2) The advisory committee shall make recommendations—

(a) in respect of the grant of licences, certificates and permits in respect of processing establishments and fishing vessels; and

(b) the export of fishery products.

(3) In the exercise of its functions under this Act the advisory committee may—

(a) summon and examine witnesses; and

(b) require the production of documents.

Composition of the advisory committee

(4) Members of the advisory committee shall be appointed by the Minister, in accordance with paragraphs (5) to (7).

(5) The membership of the advisory committee shall include at least the following—

(a) a representative of the competent authority;

(b) a representative of the Ministry responsible for fisheries;

(c) a representative of the Ministry responsible for food safety;

(d) a representative of the Ministry responsible for public health;

(e) a representative of a fisherfolk or other non-government organisation with an interest in the export of fishery products;

(f) a representative of the scientific or research sector with expertise in fisheries hygiene matters.

(6) A person appointed by the Minister under paragraph (4) shall be of sufficient seniority, and have sufficient knowledge, to enable him or her to participate competently in the activities of the advisory committee.

(7) A member of the advisory committee may hold office for a period of three years and shall at the expiry of that period be eligible for re-appointment.

(8) The Minister may replace any member of the advisory committee prior to the expiry of the period of office—

(a) if the member is absent without reasonable excuse from three consecutive meetings of the advisory committee; or

(b) if the member is unable to perform his responsibilities to the advisory committee, whether arising from infirmity of body or mind, absence, misbehaviour or any other cause.

Meetings and rules of procedure

(9) The representative of the competent authority shall be the Chairperson of the advisory committee.

(10) The members shall elect a member to be Vice-Chairperson, who shall perform the functions of the Chairperson at any meeting at which the Chairperson is unavailable.

(11) The functions of the Chairperson shall include:

(a) to declare the opening and closing of each meeting;

(b) to preside at meetings;

(c) to rule on points of order;

(d) to call for and announce the results of votes;

(e) to determine, after consultation with other members, the draft provisional agenda for each meeting;

(f) to arrange for the appointment of the members of Sub-Committees as required;

(g) to sign a report of the proceedings of each meeting of the advisory committee, for transmission to the Minister; and

(h) generally, to make such decisions and give such directions as will ensure, especially in the interval between meetings, that the business of the advisory committee is carried out efficiently and in accordance with its functions.

(12) A draft report of the proceedings of each meeting of the advisory committee shall be drafted and distributed as soon as possible to members by the Chairperson.

(13) Each member shall submit to the Chairperson within 7 days of receiving the draft report any comments or corrections that he or she wishes to be taken into account, after which the Chairperson shall compile as soon as possible the final report of the proceedings.

(14) The Chairperson shall cause the final summary record to be –

(a) submitted to the Minister as soon as possible after it is compiled; and

(b) within forty days of the meeting, made available to stakeholders through any reasonable means.

(15) Subject to the other provisions of these Statutes, the advisory committee shall determine its own rule of procedure for meetings.

Sub-committees

(16) The advisory committee may establish such other sub-committees as it considers necessary for the effective performance of its functions.

(17) A sub-committee established under paragraph (16) may consist of members of the advisory committee or members and non-members.

(18) The advisory committee shall determine the scope, functions and rules of procedure of a sub-committee established under paragraph (16).

Disclosure of interest

(19) A member of the advisory committee or of any sub-committee who has a personal interest in a matter being considered or dealt with by the advisory committee or sub-committee shall disclose to the Chairperson verbally or in writing the nature of the interest and shall not take part in the deliberation or decision of the advisory committee or sub-committee with respect to that matter.

(20) Without prejudice to any other action that is permitted by law, a person who contravenes paragraph (19) may be removed from his or her position in the advisory committee or sub-committee by the Minister in writing.

Allowances for Members of the Council

(21) Members of the advisory committee, including any sub-committees, shall be paid an allowance to compensate for the reasonable costs of attending any meeting of the advisory committee or a Sub-Committee, at a rate and in such manner as determined by the Minister, with the consent of the Minister responsible for finance.

(22) Observers shall not be entitled to any payment of an allowance or other compensation for attendance at a meeting of the advisory committee or a sub- committee.

Amendment of these Statutes

(23) These Statutes may be amended by upon unanimous agreement of Members present and voting and with the consent of the Minister.

CARIFORUM Guidance on Good Fish and Fishery Product Hygiene Practices

Guidelines on Developing and Implementing HACCP Plans for Fish and Fishery Products

Proposed Framework for Regional Cooperation on CARIFORUM Standards for Fish and Fishery Product Hygiene

10th EDF Programme titled "Support to the Forum of Caribbean States in the implementation of the commitments undertaken under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary (SPS) Measures

Funded by the European Union

September 2015

Guidelines on Developing and Implementing HACCP Plans for Fish and Fishery Products

September 2015

CARIFORUM Regional Framework for Good Fisheries Hygiene and Production Standards

ABSTRACT

Guidelines and models on developing and implementing plans for applying HACCP in fishery production establishments and facilities.

Guidelines on Developing and Implementing HACCP Plans for Fish and Fishery Products

CARIFORUM Regional Framework for Good Fisheries Hygiene and Production Standards

Contents

About this Guidance

This guidance is intended to assist processors of fish and fishery products in the development of their Hazard Analysis Critical Control Point (HACCP) plans. It is part of the **Additional Guidance on Good Fish and Fishery Product Hygiene Practices** provided within the **Caribbean Regional Fisheries SPS Framework** produced under the Sanitary and Phytosanitary Measures programme, one component of the 10th EDF Programme titled "*Support to the Caribbean Forum of ACP States in the Implementation of Commitments Undertaken Under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary Measures (SPS)*", implemented by the Inter-American Institute for Cooperation on Agriculture (IICA), with the fisheries sub-component being executed by the CRFM Secretariat.

The Guidance is designed to walk users through a series of steps that will result in a completed HACCP plan. A separate HACCP plan should be developed for each location where fish and fishery products are processed and for each kind of fish and fishery product processed at that location. Products may be grouped together in a single HACCP plan if the food safety hazards and controls are the same for all products in the group.

Processors of fish and fishery products will find information in this guidance that will help them identify hazards that are associated with their products, and help them formulate control strategies. The guidance will also help consumers and the public generally to understand commercial seafood safety in terms of hazards and their controls.

The control strategies and practices provided in this guidance are recommendations to the fish and fishery products industry unless they are required by national regulations or rules. This guidance provides information that would likely result in a HACCP plan that is acceptable to national Competent Authorities.

Processors may choose to use other control strategies, as long as they comply with the requirements of the applicable food safety laws and regulations. However, processors that chose to use other control strategies (e.g., critical limits) should scientifically establish their adequacy.

Part 1 | Definitions

CCP Decision Tree

A sequence of questions to assist in determining whether a control point is a CCP.

Control

(a) To manage the conditions of an operation to maintain compliance with established criteria.

(b) The state where correct procedures are being followed and criteria are being met.

Control Measure

Any action or activity that can be used to prevent, eliminate or reduce a significant hazard.

Control Point

Any step at which biological, chemical, or physical factors can be controlled.

Corrective Action

Procedures followed when a deviation occurs.

Criterion

A requirement on which a judgement or decision can be based.

Critical Control Point

A step at which control can be applied and is essential to prevent or eliminate a food safety hazard or reduce it to an acceptable level.

Critical Limit

A maximum and/or minimum value to which a biological, chemical or physical parameter must be controlled at a CCP to prevent, eliminate or reduce to an acceptable level the occurrence of a food safety hazard.

Deviation

Failure to meet a critical limit.

HACCP

A systematic approach to the identification, evaluation, and control of food safety hazards.

HACCP Plan

The written document which is based upon the principles of HACCP and which delineates the procedures to be followed.

HACCP System

The result of the implementation of the HACCP Plan.

HACCP Team

The group of people who are responsible for developing, implementing and maintaining the HACCP system.

Hazard

A biological, chemical, or physical agent that is reasonably likely to cause illness or injury in the absence of its control.

Hazard Analysis

The process of collecting and evaluating information on hazards associated with the food under consideration to decide which are significant and must be addressed in the HACCP plan.

Monitor

To conduct a planned sequence of observations or measurements to assess whether a CCP is under control and to produce an accurate record for future use in verification.

Prerequisite Programs

Procedures, including Good Manufacturing Practices, that address operational conditions providing the foundation for the HACCP system.

Severity

The seriousness of the effect(s) of a hazard.

Step

A point, procedure, operation or stage in the food system from primary production to final consumption.

Validation

That element of verification focused on collecting and evaluating scientific and technical information to determine if the HACCP plan, when properly implemented, will effectively control the hazards.

Verification

Those activities, other than monitoring, that determine the validity of the HACCP plan and that the system is operating according to the plan.

Part 2 | Introduction to HACCP

1] Definition of HACCP and its Role in Food Safety

HACCP is an abbreviation for the **Hazard Analysis Critical Control Points System**. The current principles and guidelines governing HACCP are established through CODEX (Committee for Food Hygiene on the Codex Alimentarius), a Joint Food Standards Programme of the UN Food and Agriculture Organization (FAO) and the World Health Organization (WHO).

It is the universal standard approach for a "total food safety system". HACCP as a system:

- **Identifies hazards** which are important to food safety
- **Evaluates hazards** which are important to food safety
- **Controls hazards** which are important to food safety.

As a system it identifies any point at which a potential food safety hazard may occur thereby adversely impacting food safety and implements controls to either eliminate or significantly reduce the hazard to tolerable levels.

HACCP is a science-based system which operates on the concept that the hazards affecting or impacting the safety of food supplies can identified at any of the critical point along the food chain. Further, that these potential hazards can be eliminated, minimized or significantly reduced during production or processing at any stage or critical point along the food chain.

HACCP as a system can be applied to any food production or processing activity or at any point along the food chain-from point of harvest to consumption.

HACCP is not a stand-alone system. The application of HACCP does not stand alone in a food processing facility. The plan must be built on pre-requisite and other food safety programs. Good Manufacturing Practices (GMP) that are practised by the processing facility will support HACCP plan and will address food safety and food quality issues that are not critical for the reduction of food safety hazards. Sanitation Standard Operating Procedures (SSOP's) are required in fishery production operations and address procedures for clean facilities, equipment and personnel that are necessary for all products produced in a facility.

2] HACCP versus the traditional food inspection system

The traditional food safety inspection system is primarily geared towards inspection of end products. This requires excessive effort in terms of time, cost and personnel. HACCP is a risk-based system, as compared to the pre-specified physical parameter

approach in traditional food inspection systems. The application of HACCP may require fundamental change in the culture and attitudes of both management and line staff in processing establishments.

The idea of **HACCP** is not to replace this traditional approach to food safety inspection and quality assurance but rather to add a preventive quality assurance dimension. Companies implementing **HACCP** will be able to provide greater levels of confidence to the consumers and to minimize the risks of economic losses arising from condemnation, confiscation and or destruction of contaminated food supplies.

It has been shown that the benefits to be derived from the implementation of HACCP far exceed the cost of implementation over time. While the cost of implementing HACCP depends on the general sanitary and hygienic conditions prevailing at the facility prior to initiating the system, it does not *necessarily* require expensive equipment, etc.: what is required in the main is the establishment of critical control points and their effective monitoring.

Implementation of a HACCP system is also required under the basic food safety regulations of many importing countries[1], and the World Trade Organization agreement on sanitary and phytosanitary measures (WTO-SPS) requires compliance with at the least the minimum levels of food safety measures which meet internationally acceptable standards of food safety which can only realistically be attained by implementing a HACCP system.

3] Staff

The development and implementation of, and supervision of compliance with, the HACCP system should be undertaken by a dedicated team of individuals (the "HACCP team") consisting of staff (or externally hired experts) who have specific knowledge and expertise appropriate to the product and process. HACCP of necessity, however, must involve the entire staff of a given facility and all staff should be aware of and be able to undertake their responsibilities within the HACCP plan.

[1] These food safety regulations are the Canadian Food Safety Enhancement Programme (CFSEP); the US Food Safety Modernization Act (FSMA) and the European Union (EU) Council Directives 93/43/EEC governing Hygiene of Food Stuffs and 94/356/EC Regulations governing "Own Checks". The implementation of the HACCP System is now mandatory with these laws.

Part 3 | The HACCP Principles and Guidelines

1] Overview

HACCP is a systematic approach to the identification, evaluation and control of food safety hazards, based on 7 principles. These principles outline how to establish, implement and maintain a HACCP Plan for an operation or facility (following the application of various preliminary steps – the full process is set out in Part 4).

Principle 1: Conduct a hazard analysis

Principle 2: Determine the critical control points (CCPs)

Principle 3: Establish critical limits

Principle 4: Establish monitoring procedures

Principle 5: Establish corrective actions

Principle 6: Establish verification procedures

Principle 7: Establish record-keeping and documentation procedures

2] The 7 HACCP Principles

Principle 1: Conduct a hazard analysis

The application of this principle involves listing the steps in the process and identifying where significant hazards are likely to occur. The HACCP team will focus on hazards that can be prevented, eliminated or controlled by the HACCP plan. A justification for including or excluding the hazard is reported and possible control measures are identified.

Principle 2: Determine the critical control points (CCPs)

A critical control point (CCP) is a point, step or procedure at which control can be applied and a food safety hazard can be prevented, eliminated or reduced to acceptable levels. A critical control point may control more that one food safety hazard or in some cases more than one CCP is needed to control a single hazard. The number of CCP's needed depends on the processing steps and the control needed to assure food safety.

Principle 3: Establish critical limits

A critical limit (CL) is the maximum and/or minimum value to which a biological, chemical or physical parameter must be controlled at a CCP to prevent, eliminate or

reduce to an acceptable level the occurrence of a food safety hazard. The critical limit is usually a measure such as time, temperature, water activity (Aw), pH, weight, or some other measure that is based on scientific literature and/or regulatory standards.

Principle 4: Establish monitoring procedures

The HACCP team will describe monitoring procedures for the measurement of the critical limit at each critical control point. Monitoring procedures should describe how the measurement will be taken, when the measurement is taken, who is responsible for the measurement and how frequently the measurement is taken during production.

Principle 5: Establish corrective actions

Corrective actions are the procedures that are followed when a deviation in a critical limit occurs. The HACCP team will identify the steps that will be taken to prevent potentially hazardous food from entering the food chain and the steps that are needed to correct the process. This usually includes identification of the problems and the steps taken to assure that the problem will not occur again.

Principle 6: Establish verification procedures

Those activities, other than monitoring, that determine the validity of the HACCP plan and that the system is operating according to the plan. The HACCP team may identify activities such as auditing of CCP's, record review, prior shipment review, instrument calibration and product testing as part of the verification activities.

Principle 7: Establish record-keeping and documentation procedures

A key component of the HACCP plan is recording information that can be used to prove that the food was produced safely. The records also need to include information about the HACCP plan. Record should include information on the HACCP Team, product description, flow diagrams, the hazard analysis, the CCP's identified, Critical Limits, Monitoring System, Corrective Actions, Recordkeeping Procedures, and Verification Procedures.

Part 4 | Developing a HACCP Plan

The format of HACCP plans will vary. In many cases the plans will be product and process specific. However, some plans may use a unit operations approach. Generic HACCP plans can serve as useful guides in the development of process and product HACCP plans; however, it is essential that the unique conditions within each facility be considered during the development of all components of the HACCP plan. Model forms for completing a HACCP Plan and Hazard Analysis are provided in the **Froms** section of these Guidelines, but use of these forms are not mandatory.

A separate HACCP plan should be developed for each location where fish and fishery products are processed and for each kind of fish and fishery product processed at that location. You may group products together in a single HACCP plan if the food safety hazards and controls are the same for all products in the group.

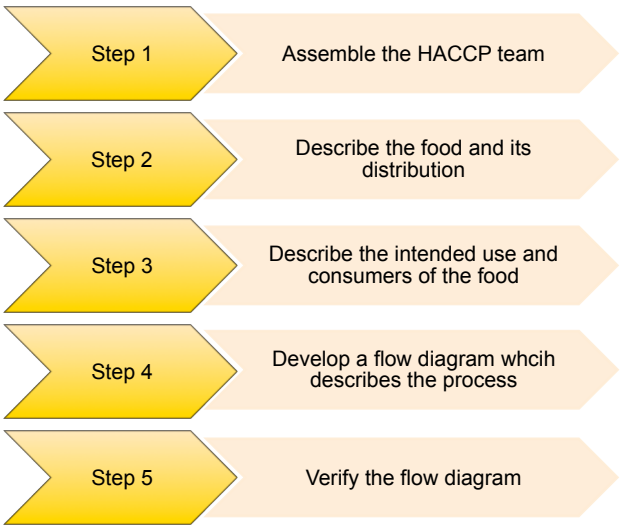

Figure 1 Preliminary Tasks in the Development of the HACCP Plan

In the development of a HACCP plan, there are **12 recommended steps** (as approved by the Codex Committee for Food Hygiene). These consist of five preliminary tasks that need to be accomplished before the application of the HACCP principles to a specific product and process. The five preliminary tasks are given in Figure 1. The steps are to be implemented sequentially.

1] Preliminary steps

Step 1: Assemble the HACCP team

The first task in developing a HACCP plan is to assemble a HACCP team consisting of individuals who have specific knowledge and expertise appropriate to the product and process. It is the team's responsibility to develop the HACCP plan. The team should be multi-disciplinary and include both management and individuals from areas such as engineering, production, sanitation, quality assurance and food microbiology (depending on the specific requirements of the food processing operation).

The team should also include local personnel who are involved in the operation as they are more familiar with the variability and limitations of the operation. In addition, this fosters a sense of ownership among those who must implement the plan.

Experts should be hired to assist if the required expertise is not available in the staff. However, **a plan which is developed totally by outside sources may be erroneous, incomplete, and lacking in support at the local level**.

Step 2: Describe the product

A description of the product subject to the HACCP plan is to be provided.

Describe the food: Identify the market name or Latin name (species) of the fishery component(s) of the product. *Examples:*

- *Tuna (Thunnus albacares)*
- *Shrimp (Penaeus spp.)*
- *Queen Conch (Strombus gigas)*

Fully describe the finished product food. *Examples:*

- *Individually quick frozen, cooked, peeled shrimp*
- *Fresh grouper fillets*
- *Raw shrimp, in-shell*
- *Conch fritters*

Describe the packaging type. *Examples:*

- *Vacuum-packaged plastic bag*
- *Aluminum can*
- *Bulk, in wax-coated paperboard box*
- *Plastic container with snap lid*

Describe the method of distribution and storage. Identify how the product is distributed and stored after distribution. *Examples:*

- *Stored and distributed frozen*
- *Distributed on ice and then stored under refrigeration or on ice*

Other items that might be included in the description are: its composition and structure and any ingredients; storage; and shelf life. The description of the product should include a description of the traceability procedures applied.

Step 3: Describe the intended use and consumers

Describe the normal expected use of the food. *Examples:*

- *To be eaten with or without further cooking*
- *To be eaten raw or lightly cooked*
- *To be further processed into a heat and serve product*

Identify the intended consumer or user of the product. The intended consumers may be the general public or a particular segment of the population (e.g., infants, immune-compromised individuals, etc.). The intended user may also be another processor that will further process the product. *Examples:*

- *By the general public*
- *By the general public, including some distribution to hospitals and nursing homes*
- *By another processing facility*

Step 4: Develop a flow diagram

The purpose of a flow diagram is to provide a clear, simple outline of the steps involved in the process. The scope of the flow diagram must cover all the steps in the process which are directly under the control of the establishment. Receiving and storage steps for each of the ingredients, including non-fishery ingredients, should be included.

The flow diagram need not be as complex as engineering drawings. A block type flow diagram is sufficiently descriptive (see Appendix 1 | Model Process Flow for Frozen Conch). Also, a simple schematic of the facility is often useful in understanding and evaluating product and process flow.

Step 5: Verify the flow diagram

The HACCP team should perform an on-site review of the operation to verify the accuracy and completeness of the flow diagram. Modifications should be made to the flow diagram as necessary and documented.

2] Applying the HACCP Principles

After these five preliminary tasks have been completed, the seven principles of HACCP are applied.

Conduct a hazard analysis (Principle 1)

The HACCP team conducts a hazard analysis and identifies appropriate control measures. The purpose of the hazard analysis is to develop a list of (reasonably foreseeable) hazards which are of such significance that they are reasonably likely to cause illness or injury if not effectively controlled.

A thorough hazard analysis is the key to preparing an effective HACCP plan. If the hazard analysis is not done correctly and the hazards warranting control within the HACCP system are not identified, the plan will not be effective regardless of how well it is followed.

Biological, chemical, and physical hazards can affect the safety of fishery products. Some food safety hazards are associated with the product (e.g., the species of fish, the way in which the fish is raised or caught, and the region of the world from which the fish originates). These hazards are introduced outside the processing plant environment before, during, or after harvest. These are referred to as species-related hazards. Other food safety hazards are associated with the way in which the product is processed (e.g., the type of packaging, the manufacturing steps, and the kind of storage). These hazards are introduced within the processing plant environment, and are referred to as process-related hazards.

For guidance on potential food safety hazards that are species related and process related, see **Fish and Fishery Products Hazards and Controls Guidance, Chapter 3** (US Food and Drug Administration, 2011).

The process of conducting a hazard analysis involves two stages.

(1) Hazard identification

The first step requires the HACCP team to review the ingredients used in the product, the activities conducted at each step in the process and the equipment used, the final product and its method of storage and distribution and the intended use and consumers of the product. Based on this review, the team develops a list of potential biological, chemical or physical hazards that may be introduced, increased, or controlled at each step in the production process. See Appendix 2 | Examples of Questions to be Considered When Conducting a Hazard Analysis.

(2) Hazard evaluation

After the list of potential hazards is assembled, the process moves to the second step – hazard evaluation. Here, the HACCP team decides which potential hazards must be addressed in the HACCP plan. During this stage, each potential hazard is evaluated based on the severity of the potential hazard and its likely occurrence.

Severity is the seriousness of the consequences of exposure to the hazard. Considerations of severity (e.g. magnitude and duration of illness or injury) can be helpful in understanding the public health impact of the hazard. Consideration of the likely occurrence is usually based upon a combination of experience, epidemiological data and information in the technical literature. When conducting the hazard evaluation, it is helpful to consider the likelihood of exposure and severity of the potential consequences if the hazard is not properly controlled.

During the evaluation of each potential hazard, the food, its method of preparation, transportation, storage and persons likely to consume the product should be considered to determine how each of these factors may influence the likely occurrence and severity of the hazard being controlled. The team must consider the influence of likely procedures for food preparation and storage and whether the intended consumers are susceptible to a potential hazard.

Hazards identified in one operation or facility may not be significant in another operation producing the same or a similar product. For example, due to differences in equipment and/or an effective maintenance program, the probability of metal contamination may be significant in one facility but not in another.

See Appendix 3 | Examples of How the Stages of Hazard Analysis are used to Identify and Evaluate Hazards for further guidance.

A summary of the HACCP team workings and the rationale developed during the hazard analysis should be kept for future reference. This information will be useful during future reviews and updates of the hazard analysis and the HACCP plan.

Upon completion of the hazard analysis, the hazards associated with each step in the production of the food should be listed along with any measure(s) that are used to control the hazard(s). More than one control measure may be required for a specific hazard. On the other hand, more than one hazard may be addressed by a specific control measure.

The hazard analysis summary could be presented in several different ways.

Determine critical control points (CCPs) (Principle 2)

Complete and accurate identification of CCPs is fundamental to controlling food safety hazards. The information developed during the hazard analysis is essential for the HACCP team in identifying which steps in the process are CCPs. One strategy to facilitate the identification of each CCP is the use of a CCP decision tree, although this is not mandatory. (See Appendix 4 | Example of a CCP Decision Tree).

Critical control points are located at any step where hazards can be either prevented, eliminated or reduced to acceptable levels. Examples of CCPs may include: thermal

processing, chilling, testing ingredients for chemical residues, product formulation control, and testing product for metal contaminants. CCPs must be carefully developed and documented. In addition, they must be used only for purposes of product safety. For example, a specified heat process, at a given time and temperature designed to destroy a specific microbiological pathogen, could be a CCP. Likewise, refrigeration of a precooked food to prevent hazardous microorganisms from multiplying, or the adjustment of a food to a pH necessary to prevent toxin formation could also be CCPs. Different facilities preparing similar food items can differ in the hazards identified and the steps which are CCPs. This can be due to differences in each facility's layout, equipment, selection of ingredients, processes employed, etc.

Establish critical limits (Principle 3)

A critical limit is a maximum and/or minimum value to which a biological, chemical or physical parameter must be controlled at a CCP to prevent, eliminate or reduce to an acceptable level the occurrence of a food safety hazard. A critical limit is used to distinguish between safe and unsafe operating conditions at a CCP. Critical limits should not be confused with operational limits which are established for reasons other than food safety.

Each CCP will have one or more control measures to assure that the identified hazards are prevented, eliminated or reduced to acceptable levels. Each control measure has one or more associated critical limits. Critical limits may be based upon factors such as: temperature, time, physical dimensions, humidity, moisture level, water activity (a_w), pH, titratable acidity, salt concentration, available chlorine, viscosity, preservatives, or sensory information such as aroma and visual appearance. Critical limits must be scientifically based. For each CCP, there is at least one criterion for food safety that is to be met.

Establish monitoring procedures (Principle 4)

Monitoring is a planned sequence of observations or measurements to assess whether a CCP is under control and to produce an accurate record for future use in verification.

Monitoring serves three main purposes. First, monitoring is essential to food safety management in that it facilitates tracking of the operation. If monitoring indicates that there is a trend towards loss of control, then action can be taken to bring the process back into control before a deviation from a critical limit occurs. Second, monitoring is used to determine when there is loss of control and a deviation occurs at a CCP, i.e., exceeding or not meeting a critical limit. When a deviation occurs, an appropriate corrective action must be taken. Third, it provides written documentation for use in verification.

Assignment of the responsibility for monitoring is an important consideration for each CCP. Specific assignments will depend on the number of CCPs and control measures and the complexity of monitoring. Personnel who monitor CCPs are often associated with production (e.g., line supervisors, selected line workers and maintenance personnel) and, as required, quality control personnel. Those individuals must be trained in the monitoring technique for which they are responsible and must accurately report the results of monitoring. In addition, employees should be trained in procedures to follow when there is a trend towards loss of control so that adjustments can be made in a timely manner to assure that the process remains under control. The person responsible for monitoring must also immediately report a process or product that does not meet critical limits.

All records and documents associated with CCP monitoring should be dated and signed or initialled by the person doing the monitoring. Monitoring equipment must be carefully calibrated for accuracy.

Ideally, monitoring should be continuous. When it is not possible to monitor a CCP on a continuous basis, it is necessary to establish a monitoring frequency and procedure (e.g. a sampling system) that will be reliable enough to indicate that the CCP is under control. Most monitoring procedures need to be rapid because they relate to on-line, "real-time" processes and there will not be time for lengthy analytical testing. Examples of monitoring activities include: visual observations and measurement of temperature, time, pH, and moisture level.

Establish corrective actions (Principle 5)

The HACCP system for food safety management is designed to identify health hazards and to establish strategies to prevent, eliminate or reduce their occurrence. Where there is a deviation from established critical limits, corrective actions are necessary.

Corrective actions should include the following elements: (a) determine and correct the cause of non-compliance; (b) determine the disposition of non-compliant product and (c) record the corrective actions that have been taken. Specific corrective actions should be developed in advance for each CCP and included in the HACCP plan. As a minimum, the HACCP plan should specify what is done when a deviation occurs, who is responsible for implementing the corrective actions and that a record will be developed and maintained of the actions taken. Individuals who have a thorough understanding of the process, product and HACCP plan should be assigned the responsibility for oversight of corrective actions. As appropriate, experts may be consulted to review the information available and to assist in determining disposition of non-compliant product.

Establish verification procedures (Principle 6)

Verification is defined as those activities, other than monitoring, that determine the validity of the HACCP plan and that the system is operating according to the plan. Verification processes should be identified during the development and implementation of the HACCP plans and maintenance of the HACCP system. An example of a verification schedule is given in Figure 2.

Figure 2 Example of a Company Established HACCP Verification Schedule

Activity	Frequency	Responsibility	Reviewer
Verification Activities Scheduling	Yearly or Upon HACCP System Change	HACCP Coordinator	Plant Manager
Initial Validation of HACCP Plan	Prior to and During Initial Implementation of Plan	Independent Expert(s)[(a)]	HACCP Team
Subsequent validation of HACCP Plan	When Critical Limits Changed, Significant Changes in Process, Equipment Changed, After System Failure, etc.	Independent Expert(s)[(a)]	HACCP Team
Verification of CCP Monitoring as Described in the Plan (e.g., monitoring of patty cooking temperature)	According to HACCP Plan (e.g., once per shift)	According to HACCP Plan (e.g., Line Supervisor)	According to HACCP Plan (e.g., Quality Control)
Review of Monitoring, Corrective Action Records to Show Compliance with the Plan	Monthly	Quality Assurance	HACCP Team
Comprehensive HACCP System Verification	Yearly	Independent Expert(s)[(a)]	Plant Manager

[(a)] Done by others than the team writing and implementing the plan. May require additional technical expertise as well as laboratory and plant test studies.

An important aspect of verification is evaluating whether the facility's HACCP system is functioning according to the HACCP plan. An effective HACCP system requires little end-product testing, since sufficient validated safeguards are built in early in the process. Therefore, rather than relying on end-product testing, firms should rely on frequent reviews of their HACCP plan, verification that the HACCP plan is being correctly followed and review of CCP monitoring and corrective action records.

Verification activities are carried out by individuals within a company, third party experts, and regulatory agencies. It is important that individuals doing verification have appropriate technical expertise to perform this function.

Examples of verification activities are included in Appendix 5 | Examples of Verification Activities.

In addition, a periodic comprehensive verification of the HACCP system should be conducted by an unbiased, independent authority. Such authorities can be internal

or external to the food operation. This should include a technical evaluation of the hazard analysis and each element of the HACCP plan as well as on-site review of all flow diagrams and appropriate records from operation of the plan. A comprehensive verification is independent of other verification procedures and must be performed to ensure that the HACCP plan is resulting in the control of the hazards. If the results of the comprehensive verification identify deficiencies, the HACCP team modifies the HACCP plan as necessary.

Establish record-keeping and documentation procedures (Principle 7)

Generally, the records maintained for the HACCP System should include the following:

1. A summary of the hazard analysis, including the rationale for determining hazards and control measures.
2. The HACCP Plan

- Listing of the HACCP team and assigned responsibilities.
- Description of the food, its distribution, intended use, and consumer.
- Verified flow diagram.
- HACCP Plan Summary Table that includes information for:
    - Steps in the process that are CCPs
    - The hazard(s) of concern.
    - Critical limits
    - Monitoring*
    - Corrective actions*
    - Verification procedures and schedule*
    - Record-keeping procedures*

* A brief summary of position responsible for performing the activity and the procedures and frequency should be provided

3. Support documentation such as validation records.
4. Records that are generated during the operation of the plan.

Examples of HACCP records are given in Appendix 6 | Examples of HACCP Records.

Part 5 | Implementation and Maintenance of the HACCP Plan

The successful implementation of a HACCP plan is facilitated by commitment from top management. The next step is to establish a plan that describes the individuals responsible for developing, implementing and maintaining the HACCP system. Initially, the HACCP coordinator and team are selected and trained as necessary. The team is then responsible for developing the initial plan and coordinating its implementation. Product teams can be appointed to develop HACCP plans for specific products. An important aspect in developing these teams is to assure that they have appropriate training. The workers who will be responsible for monitoring need to be adequately trained. Upon completion of the HACCP plan, operator procedures, forms and procedures for monitoring and corrective action are developed. Often it is a good idea to develop a timeline for the activities involved in the initial implementation of the HACCP plan. Implementation of the HACCP system involves the continual application of the monitoring, record-keeping, corrective action procedures and other activities as described in the HACCP plan.

Maintaining an effective HACCP system depends largely on regularly scheduled verification activities. The HACCP plan should be updated and revised as needed. An important aspect of maintaining the HACCP system is to assure that all individuals involved are properly trained so they understand their role and can effectively fulfil their responsibilities.

Forms

This section contains a blank model Hazard Analysis Critical Control Point (HACCP) Plan Form and a blank model Hazard Analysis Worksheet.

Note that these are two-page forms, with the second page to be used if your process has more critical control points or more processing steps than can be listed on one page.

HACCP PLAN FORM

FIRM NAME:	PRODUCT DESCRIPTION:
FIRM ADDRESS:	METHOD OF DISTRIBUTION AND STORAGE:
	INTENDED USE AND CONSUMER:

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
CRITICAL CONTROL POINT	SIGNIFICANT HAZARD(S)	CRITICAL LIMITS FOR EACH PREVENTIVE MEASURE	MONITORING				CORRECTIVE ACTION(S)	RECORDS	VERIFICATION
			WHAT	HOW	FREQUENCY	WHO			

HACCP PLAN FORM									
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
CRITICAL CONTROL POINT	SIGNIFICANT HAZARD(S)	CRITICAL LIMITS FOR EACH PREVENTIVE MEASURE	MONITORING				CORRECTIVE ACTION(S)	RECORDS	VERIFICATION
			WHAT	HOW	FREQUENCY	WHO			

SIGNATURE OF COMPANY OFFICIAL: _____ DATE: _____

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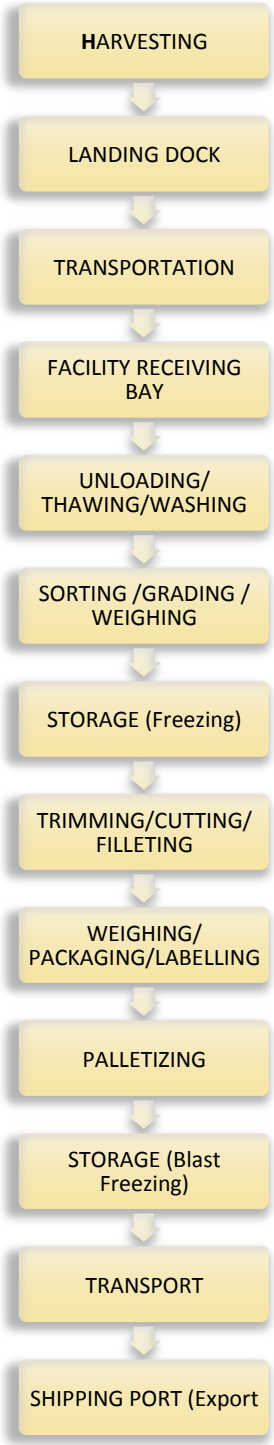
HAZARD ANALYSIS WORKSHEET					
FIRM NAME:			PRODUCT DESCRIPTION:		
FIRM ADDRESS:			METHOD OF DISTRIBUTION AND STORAGE:		
			INTENDED USE AND CONSUMER:		
(1)	(2)	(3)	(4)	(5)	(6)
INGREDIENT/PROCESSING STEP	IDENTIFY POTENTIAL BIOLOGICAL, CHEMICAL, AND PHYSICAL HAZARDS ASSOCIATED WITH THIS PRODUCT AND PROCESS	ARE ANY POTENTIAL FOOD SAFETY HAZARDS SIGNIFICANT AT THIS STEP? (YES/NO)	JUSTIFY YOUR DECISION FOR COLUMN 3	WHAT PREVENTIVE MEASURE(S) CAN BE APPLIED FOR THE SIGNIFICANT HAZARDS?	IS THIS STEP A CRITICAL CONTROL POINT? (YES/NO)

HAZARD ANALYSIS WORKSHEET					
(1)	(2)	(3)	(4)	(5)	(6)
INGREDIENT/PROCESSING STEP	IDENTIFY POTENTIAL BIOLOGICAL, CHEMICAL, AND PHYSICAL HAZARDS ASSOCIATED WITH THIS PRODUCT AND PROCESS	ARE ANY POTENTIAL FOOD SAFETY HAZARDS SIGNIFI-CANT AT THIS STEP? (YES/NO)	JUSTIFY YOUR DECISION FOR COLUMN 3	WHAT PREVENTIVE MEASURE(S) CAN BE APPLIED FOR THE SIGNIFICANT HAZARDS?	IS THIS STEP A CRITICAL CONTROL POINT? (YES/NO)

Appendices

Appendix 1 | Model Process Flow for Frozen Conch



Appendix 2 | Examples of Questions to be Considered When Conducting a Hazard Analysis

The hazard analysis consists of asking a series of questions which are appropriate to the process under consideration. The purpose of the questions is to assist in identifying potential hazards.

A. Ingredients

    1. Does the food contain any sensitive ingredients that may present microbiological hazards (e.g., Salmonella, Staphylococcus aureus); chemical hazards (e.g., aflatoxin, antibiotic or pesticide residues); or physical hazards (stones, glass, metal)?

    2. Are potable water, ice and steam used in formulating or in handling the food?

    3. What are the sources (e.g., geographical region, specific supplier)

B. Intrinsic Factors - Physical characteristics and composition (e.g., pH, type of acidulants, fermentable carbohydrate, water activity, preservatives) of the food during and after processing.

    1. What hazards may result if the food composition is not controlled?

    2. Does the food permit survival or multiplication of pathogens and/or toxin formation in the food during processing?

    3. Will the food permit survival or multiplication of pathogens and/or toxin formation during subsequent steps in the food chain?

    4. Are there other similar products in the market place? What has been the safety record for these products? What hazards have been associated with the products?

C. Procedures used for processing

    1. Does the process include a controllable processing step that destroys pathogens? If so, which pathogens? Consider both vegetative cells and spores.

    2. If the product is subject to recontamination between processing (e.g., cooking, pasteurizing) and packaging which biological, chemical or physical hazards are likely to occur?

D. Microbial content of the food

    1. What is the normal microbial content of the food?

    2. Does the microbial population change during the normal time the food is stored prior to consumption?

    3. Does the subsequent change in microbial population alter the safety of the food?

    4. Do the answers to the above questions indicate a high likelihood of certain biological hazards?

E. Facility design

    1. Does the layout of the facility provide an adequate separation of raw materials from ready-to-eat (RTE) foods if this is important to food safety? If not, what hazards should be considered as possible contaminants of the RTE products?

    2. Is positive air pressure maintained in product packaging areas? Is this essential for product safety?

    3. Is the traffic pattern for people and moving equipment a significant source of contamination?

F. Equipment design and use

    1. Will the equipment provide the time-temperature control that is necessary for safe food?

    2. Is the equipment properly sized for the volume of food that will be processed?

    3. Can the equipment be sufficiently controlled so that the variation in performance will be within the tolerances required to produce a safe food?

    4. Is the equipment reliable or is it prone to frequent breakdowns?

    5. Is the equipment designed so that it can be easily cleaned and sanitized?

    6. Is there a chance for product contamination with hazardous substances; e.g., glass?

    7. What product safety devices are used to enhance consumer safety?

- metal detectors
- magnets
- sifters
- filters
- screens
- thermometers
- bone removal devices
- dud detectors

8. To what degree will normal equipment wear affect the likely occurrence of a physical hazard (e.g., metal) in the product?
9. Are allergen protocols needed in using equipment for different products?

G. Packaging

1. Does the method of packaging affect the multiplication of microbial pathogens and/or the formation of toxins?
2. Is the package clearly labeled "Keep Refrigerated" if this is required for safety?
3. Does the package include instructions for the safe handling and preparation of the food by the end user?
4. Is the packaging material resistant to damage thereby preventing the entrance of microbial contamination?
5. Are tamper-evident packaging features used?
6. Is each package and case legibly and accurately coded?
7. Does each package contain the proper label?
8. Are potential allergens in the ingredients included in the list of ingredients on the label?

H. Sanitation

1. Can sanitation have an impact upon the safety of the food that is being processed?

2. Can the facility and equipment be easily cleaned and sanitized to permit the safe handling of food?

3. Is it possible to provide sanitary conditions consistently and adequately to assure safe foods?

I. Employee health, hygiene and education

1. Can employee health or personal hygiene practices impact upon the safety of the food being processed?

2. Do the employees understand the process and the factors they must control to assure the preparation of safe foods?

3. Will the employees inform management of a problem which could impact upon safety of food?

J. Conditions of storage between packaging and the end user

1. What is the likelihood that the food will be improperly stored at the wrong temperature?

2. Would an error in improper storage lead to a microbiologically unsafe food?

K. Intended use

1. Will the food be heated by the consumer?

2. Will there likely be leftovers?

L. Intended consumer

1. Is the food intended for the general public?

2. Is the food intended for consumption by a population with increased susceptibility to illness (e.g., infants, the aged, the infirmed, immunocompromised individuals)?

3. Is the food to be used for institutional feeding or the home?

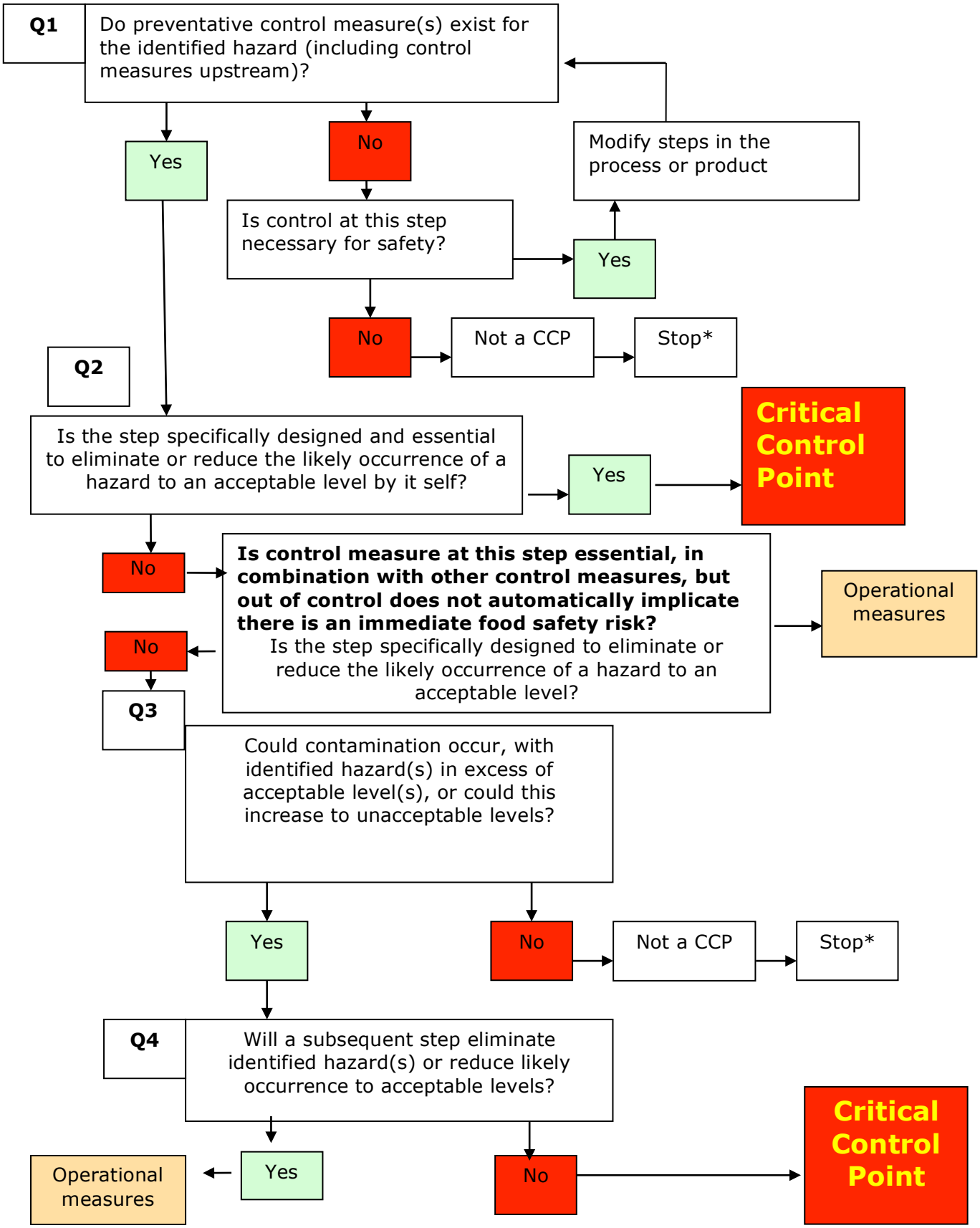
Source: US Food and Drug Administration (1997). **HACCP Principles & Application Guidelines**.

Appendix 3 | Examples of How the Stages of Hazard Analysis are used to Identify and Evaluate Hazards

Hazard Analysis Stage			Frozen lobster tails
Stage 1 Hazard Identification *Determine potential hazards associated with product*			Some types of sea food for example , shell fish and scombroid species feeding on dinoflagellates in the sea can serve to contaminate fish thereby elaborating certain types of marine toxins.
Stage 2 Hazard Evaluation	*Assess severity of health consequences if potential hazard is not properly controlled*.		Seafood can in turn become contaminated with these chemical toxins e.g. Siquatera, PSP, NSP and ASP thereby leading to human fish poisoning upon consumption of such fish products .Effects can either be serious allergic responses or in some cases death.
	Determine likelihood of occurrence of potential hazard if not properly controlled.		Cooking or freezing are not known to destroy the toxins elaborated. Such contaminated fish should not be consumed.
	Using information above, determine if this potential hazard is to be addressed in the HACCP plan.		HACCP team has determined that the consequence of marine toxins to human health is serious enough to designate the harvesting of shell and scombroid -type fish a critical control point requiring specific laboratory tests to determine the presence of any marine toxins . **Hazards must be addressed in the plan.**

NB: For illustrative purposes only. The potential hazards identified may not be the only hazards associated with the products listed. The responses may be different for different establishments.

Appendix 4 | Example of a CCP Decision Tree



Appendix 5 | Examples of Verification Activities

A. Verification procedures may include:

1. Establishment of appropriate verification schedules.
2. Review of the HACCP plan for completeness.
3. Confirmation of the accuracy of the flow diagram.
4. Review of the HACCP system to determine if the facility is operating according to the HACCP plan.
5. Review of CCP monitoring records.
6. Review of records for deviations and corrective actions.
7. Validation of critical limits to confirm that they are adequate to control significant hazards.
8. Validation of HACCP plan, including on-site review.
9. Review of modifications of the HACCP plan.
10. Sampling and testing to verify CCPs.

B. Verification should be conducted:

1. Routinely, or on an unannounced basis, to assure CCPs are under control.
2. When there are emerging concerns about the safety of the product.
3. When foods have been implicated as a vehicle of foodborne disease.
4. To confirm that changes have been implemented correctly after a HACCP plan has been modified.
5. To assess whether a HACCP plan should be modified due to a change in the process, equipment, ingredients, etc.

C. Verification reports may include information on the presence and adequacy of.

1. The HACCP plan and the person(s) responsible for administering and updating the HACCP plan.
2. The records associated with CCP monitoring.

3. Direct recording of monitoring data of the CCP while in operation.
4. Certification that monitoring equipment is properly calibrated and in working order.
5. Corrective actions for deviations.
6. Sampling and testing methods used to verify that CCPs are under control.
7. Modifications to the HACCP plan.
8. Training and knowledge of individuals responsible for monitoring CCPs.
9. Validation activities.

Source: US Food and Drug Administration (1997). **HACCP Principles & Application Guidelines**.

Appendix 6 | Examples of HACCP Records

A. Ingredients for which critical limits have been established.

    1. Supplier certification records documenting compliance of an ingredient with a critical limit.

    2. Processor audit records verifying supplier compliance.

    3. Storage records (e.g., time, temperature) for when ingredient storage is a CCP.

B. Processing, storage and distribution records

    1. Information that establishes the efficacy of a CCP to maintain product safety.

    2. Data establishing the safe shelf life of the product; if age of product can affect safety.

    3. Records indicating compliance with critical limits when packaging materials, labelling or sealing specifications are necessary for food safety.

    4. Monitoring records.

    5. Verification records.

C. Deviation and corrective action records.

D. Employee training records that are pertinent to CCPs and the HACCP plan.

E. Documentation of the adequacy of the HACCP plan from a knowledgeable HACCP expert.