

# **Export of Fresh, Frozen and Processed Fish and Fishery Products (Quality Control and Inspection and Monitoring) Rules, 1995**

UNION OF INDIA

India

## **Export of Fresh, Frozen and Processed Fish and Fishery Products (Quality Control and Inspection and Monitoring) Rules, 1995**

### **Rule**

### **EXPORT-OF-FRESH-FROZEN-AND-PROCESSED-FISH-AND-FISHERY- of 1995**

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Export of Fresh, Frozen and Processed Fish and Fishery Products (Quality Control and Inspection and Monitoring) Rules, 1995Published vide Notification No. S.O. 730 dated 21st August, 1995S.O. 730(E). - In exercise of the powers conferred by Section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) and in supersession of Notification No. S.O. 1153(a), dated 9-4-1988 relating to Frozen Fish and Fishery Products (Quality Control and Inspection) Rules, 1987 and Notification No. S.O. 863, dated 12-2-1983 relating o canned Fish & Fishery Products (Quality Control and Inspection) Rules, 1983, and Notification No. S.O. 953, dated 30-3-1987 relating to Frozen claim Meat (Quality Control and Inspection ) Rules 1987, except in respect of things done or omitted to be done before such supersession the Central Government hereby makes the following rules, namely :-

#### **1. Short title and commencement.**

(1)These rules may be called Export of Fresh, Frozen and Processed Fish and Fishery Products (Quality Control and Inspection and Monitoring Rules, 1995.(2)They shall come into force on the date of their publication in the official Gazette.

## 2.

For the purpose of those rules unless the context otherwise requires, the following definitions shall be applicable :

2.1'Act' means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

2.2'Agency' means any one of the Export Inspection Agencies at Bombay, Calcutta, Cochin, Delhi and Madras established under section 7 of the Act.

2.3'Council' means the Export Inspection council established under Section 3 of the Export (Quality Control and Inspection) Act, 1963.

2.4'Fresh' Frozen and Processed Fish and Fishery Products' means all sea water, fresh water animals or part thereof, including their roes, in fresh chilled, frozen or processed form, but excluding frogs.

2.5'Aqua culture Products' means all fishery products born and raised in controlled conditions until placed on the market as a foodstuff. However seawater or fresh water fish or crustaceans caught in their natural environment when juvenile and kept until they reach the desired commercial size for human consumption are also considered to be aquaculture products. Fish and crustaceans of commercial size caught in their natural environment and kept alive to be sold at a later date are no considered to be aquaculture products if they are merely kept alive without any attempt being made to increase their size or weight;

2.6'Chilling' means the process of cooling fishery products to a temperature approaching that of melting ice.

2.7'Fresh Products' means any fishery products whether whole or prepared, including products packaged under vacuum or in a modified atmosphere, which have no undergone any treatment to ensure preservation other than chilling.

2.8'Prepared Products' means any fishery product which has undergone an operation affecting its anatomical wholeness, such as gutting, heading, slicing, filleting, chopping etc.

2.9'Processed Products' means any fishery product which has undergone a chemical or physical process such as the heating smoking, salting, dehydration or marinating, chilling, frozen etc, whether or not associated with other foodstuffs or a combination of these various processes.

2.10'Preserve' means the process whereby products are packaged in hermetically selected containers and subjected to heat treatment to the extent that any micro-organisms that might proliferate are destroyed, or inactivated, irrespective of the temperature at which the products is to be stored.

2.11'Frozen Products' means any fishery product which has undergone a freezing process to reach a core temperature of -18°C or lower after temperature stabilization.

2.12'Packaging' means the procedure of protecting fishery products by a wrapper a container or any other suitable device.

2.13'Batch'/'Code' means the quantity of fishery products processed under practically identical circumstances during a discrete period of time, however, not exceeding one calender day.

2.14'Consignment' means the quantity of fishery products bound for one customer in the country of destination and conveyed by one means of transport only.

2.15'Means of Transport' means those parts set aside for goods in automobile vehicles, rail vehicles and aircraft, the holds of vessels, and containers for transport by land, sea or air.

2.16'Competent Authority' means any one of the Export Inspection Agencies at Bombay, Calcutta, Cochin, Delhi & Madras established under Section 7 of the Export (Quality Control and Inspection) Act, 1963.

2.17'Establishment' means any premises where fishery products are prepared, processed, chilled, frozen, packaged or stored.

2.18'Clean Sea-water' means Sea water or bring water which is free from microbiological contamination harmful substances and/or toxic marine plankton in such quantities as may affect health and safety aspect of fishery products and which is used under the conditions laid down in this notification.

2.19'Potable water' means Water used for processing which meet tolerance levels as per EEC Directive No 80/778-EEC (Quality tolerances for water intended for food

industry).2.20'Factory Vessel' means any vessel on which fishery products undergo one or more of the following operations followed by packaging: filleting, slicing, skinning, mincing, freezing or processing.The following are not deemed to be factory vessels:• Fishing vessels in which only shrimps and molluses are cooked on board;• Fishing vessels on board on which only freezing is carried out.

### **3. Basis of compliance.**

- It is the primary responsibility of the industry to ensure that the fresh frozen and processed fishery products intended for export are handled, processed at all stages of production, storage and transport under proper hygienic conditions so as to meet the health requirements laid down under these Rules and that the products conform to the specifications given in the order by the Central Government under Section 6 of the Act.The competent Authority shall ensure that the processors comply with the requirements, by regular monitoring of the establishments as per the control measures prescribed in Clause 13 of these rules. For effective monitoring of the Scheme, Export inspection Council will issue necessary instructions in this regard.

### **4.**

The fresh, frozen and processed fish and fishery products for export shall be subjected to the following conditions :4.1Any statutory restrictions imposed by any State/Central Governments with respect to commercial/environmental conservation measures from time to time shall strictly be adhered to.4.2They must have been caught and where appropriate, handled for bleeding, heading, gutting and removal of fins, chilled or frozen on board vessels in accordance with prescribed hygiene rules.4.3They must have where appropriate been handled in factory vessels approved by the competent authority as per and in accordance with the requirements specified in Annexure-I.4.4During and after landing they must have been handled in accordance with Annexure-II.4.5They must have been handled and, where appropriate, packaged prepared, processed frozen, defrosted or stored hygienically in establishments approved in accordance with Annexure-III and Annexure IV.4.6They must have undergone health check in accordance with Annexure-V.4.7They must have been appropriately packaged in accordance with Annexure-IV.4.8They must have been given identification mark I accordance with Annexure-VII.4.9They must have been stored and transported under satisfactory conditions of hygiene in accordance with Annexure-VIII.

### **5.**

Where vetting is required from a technical and Commercial view point it must be carried out as quickly as possible after the products have been caught or landed.

### **6.**

The aquaculture products shall be subject to the following conditions :6.1The must either be made

headon, shellon shrimp or beheaded, deshelled gutted, cleaned, deveined etc. under proper conditions of hygiene. They must not have been soiled with earth, slime or faeces or otherwise contaminated. If not processed immediately after having been preprocessed they must have been chilled.6.2They must addition, comply with the appropriate requirements laid down under 4.3 to 4.7.6.3The establishments shall procure aquaculture products only from farms registered with Coastal Aquaculture Authority of India (CAAI)/Designated Authorities and monitored under the surveillance of Competent Authority.

## 7.

The following Fishery Products shall be for hidden for export.(i)Poisonous fish of the following families :- Tetra odontidae Molidae Diodontidae, Canthigasteridae.(ii)Fishery products containing biotoxins such as ciguatera toxins or muscle paralysing Toxins.8.1In the case of export of bivalve molluscs in processed condition, harvesting, transport, relaying, purification and processing shall be carried out in accordance with the requirements of the importing countries.8.2The activities at 8.1 shall be approved and regularly monitored by the competent authority which may take the assistance of representatives from MPEDA SFEAI and the local fisheries department/fishing harbour.

## 9.

The industry shall ensure that persons responsible for the establishment take all necessary measures so that at all stages of production of fish products the specifications are complied with and to that end the said persons must carry out their own checks based on the following requirements :9.1Identification of critical points in their establishment on the basis of the manufacturing process used.9.2Establishment and implementation for methods for monitoring and checking such critical points.9.3Taking samples for analysis in an approved laboratory by the recognised competent authority for the purpose of checking the cleaning and Disinfection methods and for the purpose of checking compliance with the requirements in this notification.9.4Keeping a written record or record register in indelible fashion of the preceding points with a view to submitting them to the competent authority. The results of the different checks and tests will in particular be kept for a period of at least 2 years.9.5Detailed rules for application of this clause have been given in Annexure-IX.9.6The establishment shall have competent and qualified technologist duly approved by the competent authority to conduct own checks and allied duties referred at Clause 9 above.9.6.1The person responsible for the establishment shall possess one of the qualifications and experience training as the case may be.(i)Graduate/Post Graduate in Fishery Science Fishery Management, Industrial Fisheries or Fish Processing.(ii)A. Graduate/ Post Graduate in Marine Biology. Fishery Biology, Microbiology, Chemistry, Zoology Biology, Biochemistry, Bioscience or Food Processing Technology; andB. One years experience in fish processing and quality Control or training for minimum 6 months duration in a Government recognised institute in Fish Processing and Quality Control.

## **10.**

If the results of own checks or any information at the disposal of the persons responsible referred to above reveal the risk of health or suggest that one might exist, appropriate measures shall be taken under official supervision of the recognised competent authority.

## **11.**

Having satisfied itself that the establishments factory vessels meet the requirements with regard to the nature of the activities they carry out the competent authority shall accord approval to such establishment/factory vessels. If the establishments factory vessels, decide to carry out activities other than those for which it has received approval, specific approval from competent authority shall be obtained for that purpose.

## **12.**

The competent authority may take the assistance of representatives from Marine Products Export Development Authority (MPEDA) and Seafood Exports Association of India (SEAI) of Industry in the matter of approval of establishment/factory vessel.12.1Recognised competent authority shall take necessary measures if the requirements cease to be met.12.2The recognised competent agency shall draw up a list of the approved establishment/factory vessels. Each of which shall have an official number and the recognised competent authority shall notify appropriate authorities of its list of approved establishments factory vessels and any subsequent change thereof.

## **13.**

The inspection and monitoring of establishment/factory vessel shall be carried out regularly under the responsibility of the recognised competent authority which shall at all times have free access to all parts of the establishments/factory vessel and records pertaining to application of this notification in order to ensure compliance with the requirements of this notification.

## **14.**

For inspection and monitoring of bivalve molluscs pre-processing centres and landing centres of other fish products, the competent authority may take the assistance of representative of APEDA & SIEAI.

## **15. Certification.**

- On request from the processor/exporter, the competent authority shall issue Health/veterinary certificate in the prescribed proforma after satisfying itself that the Fresh, Frozen, Processed Fish and Fishery products are processed in approved establishments/factory vessels having valid approval number and after satisfying the relevant requirements.15.1The competent authority shall

issue certificates on request from the exporter/processor after satisfying itself that the requirements of the relevant standards are met.

## **16.**

Fees.16.1A fee of Rs. 2,000/- shall be paid by the processing Establishment/Factory Vessel along with the application for approval as per Clause No. 11 of these rules.16.2A monitoring fee at the following rate shall also be paid by the processing Establishment/Factory Vessel, to the EIA :Unit Export Turn OverUnder Rs. 10 crores per annum.Rs. 10 Crores and above per annum.Monitoring Fee

**0.**

**2.**

% of F.O.B value of exports.

**0.**

## **15.**

% with a minimum ofRs. 2 lakhs and a maximumOf Rs. 5 lakhs.

## **17.**

Appeal.17.1Any person aggrieved by :(i)Decision of the competent authority not to accord approval as per rule 11 of this notification :(ii)Decision of the Competent Authority to withdraw approval as per Rule 12.1 of this notification ;(iii)Refusal of Competent Authority to issue Health/Veterinary Certificate as per rule 15 of this notification-May prefer an appeal within 10 days of receipt of such communication to an Appellate Authority appointed by the Central Government.17.2At least two-thirds of the total membership of the Appellate authority shall consist of non-officials.17.3The quorum for any meeting at the appellate Authority shall be three.The appeal shall be disposed of within 15 days of its receipt.