

No. R. 494**26 April 2002****FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972 (ACT NO. 54 OF 1972)****REGULATIONS RELATING TO THE APPLICATION OF THE HAZARD ANALYSIS AND CRITICAL CONTROL POINT SYSTEM (HAACP SYSTEM)**

The Minister of Health intends, in terms of section 15(1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972), to make the regulations in the Schedule.

Interested persons are invited to submit any comments on the proposed regulations, or any representations they may wish to make in regard thereto, to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Food Control), within three months of the date of publication of this notice.

SCHEDULE**Definitions**

1. In these regulations, "the Act" means the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) and any word or expression defined in the Act and not defined herein bears the same meaning as in the Act and in these regulations-

"Department" means the national Department of Health;

"food chain" means all the stages through which food is handled from primary production to processing, manufacturing, distribution and retail, to the point of consumption;

"food handler" means a person who in the course of his or her normal duties comes into contact with food not intended for his or her own use;

"food handling enterprise" means a business which during its operations produces, processes, manufactures, stores, transports, distributes or sells foodstuffs or is engaged in any activity which may impact on the safety of such foodstuffs;

"food safety" means the assurance that food will not cause harm chemically, microbiologically or physically, to the consumer when prepared or eaten according to its intended use;

"Good Manufacturing Practice (GMP)" means methods or manufacture procedures applied taking into account the most basic principle of hygiene, that food must not be contaminated or spoilt during the manufacturing process;

"HACCP system" means a system which identifies, evaluates and controls hazards which are significant for food safety;

"HACCP plan" means a plan, in a document form, which outlines the control of hazards which are significant for food safety in a segment of the food chain under consideration;

" external HACCP auditing" means a process aimed at verifying whether or not a HACCP system implemented by a food handling enterprise is in accordance with the requirements laid down by regulations 12 and 16 in relation to the handling of the foodstuffs under consideration;

"HACCP certification" means the issuing of documentary evidence by a person accredited to do so by the South African National Accreditation System ("SANAS", a non-profit organisation registered in terms of section 21 of the Companies Act, 1973 (Act No. 61 of 1973), registration No. 199600354/08) based on the results of an external HACCP auditing;

"representative body" means a group of persons or an organisation mandated to represent persons in a specific sector or specific food handling enterprise responsible for handling 60% or more of the foodstuff(s) under consideration; and

"sector" means a classification of the food industry in South Africa in categories based on the foodstuffs handled and the food handling enterprises normally associated with that within the food chain;

HACCP system: requirements

2. No owner of a food handling enterprise as specified in column 2 of Annex A is allowed to handle food without-
 - (i) a HACCP system fully implemented to the satisfaction of the Director-General in relation to the foodstuffs under consideration, on or after the

- date specified in column 3 of Annex B as applicable to such a food handling enterprise; and
- (ii) a valid certificate referred to in regulation 14.
3. The Minister may by notice list the name of a sector as specified in column 1 of Annex A regarding a specific category of food handling enterprise as specified in column 2 of the same Annex; in column 2 of Annex B; in which case the restriction included in regulation 2 will come into effect on the date as specified in such notice.
4. The listing referred to in regulation 3 shall be made only after-
- (a) considering a request made by a representative body of a specific sector, including that of a specific category of food handling enterprise, to be listed in column 2 of Annex B on a specified date to be listed in column 3 of the same Annex; or
- (b) after consultation with the representative body considering a recommendation made by the Director-General to list such a sector regarding a specific category of food handling enterprise in column 2 of Annex B on a date specified in column 3 of the same Annex.
5. A request referred to in regulation 4 (a) shall be in writing and only if such sector or specific category of food handling enterprise is of the opinion that it is in a position to comply with the restrictions specified in Regulation 2.
6. A recommendation referred to regulation 4 (b) may only be made if the Director-General is of the opinion that it is in the interest of the safety of food handled by a specific sector or category of food handling enterprise, and also the health of the consumer, that such a sector or food handling enterprise must comply with the restrictions specified in Regulation 2.
7. The owner of a food handling enterprise listed in Annex B is responsible for ensuring that-
- (a) prior to the implementation of a HACCP system as required in Regulation 2, the enterprise already operates good manufacturing practices as well as health and safety measures applicable to the food handling operation under consideration; and,
- (b) foodstuffs received from a producer or supplier for further handling by the food handling enterprise in question comply with all the requirements for safety applicable

to the foodstuffs under consideration.

8. The owner of a food handling enterprise, when implementing a HACCP system must ensure that the system is in accordance with the principles as provided for by the Joint Food and Agricultural Organisation / World Health Organisation ("FAO / WHO") Food Standards Programme Codex Alimentarius Commission's general requirements (food hygiene), entitled:

"Hazard Analysis and Critical Control Point (HACCP) System and Guidelines for its Application", published in the Supplement to Volume 1B-1997 document of the Commission.

9. The owner of a food handling enterprise may apply a system equivalent to the one referred to in regulation 8 if such equivalent system includes at least the principles and process of the HACCP system.

Application of the HACCP system to a specific sector or category of food handling enterprise

10. A HACCP plan for a specific sector or category of food handling enterprise must be compiled by a representative body or the Director-General and the plan shall contain the requirements for a HACCP system applicable to its members.
11. The HACCP plan referred to in regulation 10 must accompany a request referred to in regulation 4(a).

Verification of the HACCP system

12. The external HACCP auditing must be carried out by a person suitably qualified and experienced in the application of the HACCP system and who is employed by a certifying body that is accredited by SANAS.
13. Information related to the external HACCP auditing activities conducted by certifying bodies referred to in regulation 12 must be submitted to the relevant provincial Department of Health and to the Director-General in a format as determined by the Director-General.


14. A HACCP certification must be conducted by a certifying body referred to in regulation 12 based on the results of an external HACCP audit and in a format as determined by the Director-General and the certificate is valid for a period not exceeding one calendar year, starting on the date of issuance.

Requirements for a HACCP system applicable to imported foodstuffs

15. The requirements for the application of the HACCP system become applicable to imported foodstuffs on the same date per sector or a specific category of food handling enterprise as specified in column 3, Annex B.
16. The Director-General may request documentary evidence of the country of origin for the external HACCP auditing and certification with regard to imported foodstuffs.

GENERAL REQUIREMENTS

17. The owner of a food handling enterprise must take steps to ensure that all the food handlers involved in its operation are sufficiently trained on an ongoing basis regarding the application of the requirements of the HACCP system and the level of training shall be as determined by the Director-General.


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MINISTER OF HEALTH