

No. R. 596

22 July 2011

**NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS ACT
(Act 5 of 2008)**

**PROPOSED INTRODUCTION OF A NEW COMPULSORY SPECIFICATION
FOR LIVE AQUACULTURED ABALONE (VC 9001)**

It is hereby made known under section 13(4) of the National Regulator for Compulsory Specifications Act, (Act 5 of 2008), that the Minister of Trade and Industry, on the recommendation of the NRCS Board, intends to introduce a new Compulsory Specification for *Live Aquacultured Abalone* as set out in the attached Schedule.

Any person, who wishes to comment on the intention of the Minister to thus introduce the Compulsory Specification concerned, shall submit their comments, in writing, to the Chief Executive Officer, National Regulator for Compulsory Specifications, Private Bag X25, Brooklyn, 0075, on or before the date two (2) months after the publication of this notice.



Dr Rob Davies, MP 31/5/11
Minister of Trade and Industry

VC 9001**COMPULSORY SPECIFICATION FOR LIVE AQUACULTURED ABALONE****SCHEDULE****1 SCOPE**

1.1 This Compulsory Specification applies to the harvesting, preparation, packing, conveyance and quality of live aquacultured abalone.

1.2 Wild harvested live abalone is excluded from the scope of this Compulsory Specification.

2 DEFINITIONS

2.1 For the purposes of this Compulsory Specification the definitions in SANS 729: '*Live aquaculture abalone*', shall apply.

2.2 In addition, the following definitions shall apply:

2.2.1 applicant: a producer, packer, importer or exporter applying for approval of the product. The producer, packer, importer or exporter shall be established within the Republic of South Africa.

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

2.2.3 conformity of production: satisfactory evidence that the harvesting, preparation, packing, or conveyance of live aquacultured abalone produced for sale continues to conform to the requirements of this Compulsory Specification.

2.2.4 DAFF: Department of Agriculture, Forestry and Fisheries

2.2.5 facility: premises where preparation and packing of live aquacultured abalone harvested according to the SAMSM&CP takes place.

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

2.2.7 official sampling: sampling done by an official inspector as defined in and according to the SAMSM&CP.

2.2.8 SAMSM&CP: the South African Molluscan Shellfish Monitoring and Control Programme administered by DAFF.

3 GENERAL ADMINISTRATIVE REQUIREMENTS

- 3.1** All live aquacultured abalone products to be offered for sale shall comply with the requirements of this Compulsory Specification.
- 3.2** The facility for live aquacultured abalone products shall be pre-approved by the NRCS for conformity of production requirements as prescribed in Annex A.1.
- 3.3** The packer may not dispatch live aquacultured abalone product from the facility without a valid NRCS approvals document for the facility.
- 3.4** Application for approval of the product shall be made to the NRCS for every consignment of live aquacultured abalone in accordance with the requirements of Annex A.2.
- 3.5** The packer shall provide the NRCS with satisfactory evidence of conformity of production on request.
- 3.6** The packer shall inform the NRCS of any change in process of production affecting any mandatory requirement of this Compulsory Specification. In the event of such change/s the NRCS may, at its discretion, demand the submission of fresh evidence of conformity or a new application for approval.
- 3.7** The packer shall immediately report any failure, of whatever nature, to conform to the requirements of this Compulsory Specification to the NRCS.
- 3.8** The testing of live aquacultured abalone against the requirements of this Compulsory Specification shall be done by test facilities that are accredited to use the test methods as referenced in the SAMSM&CP. In the case where there are no test facilities available that are in compliance with the foregoing, the NRCS will determine which facilities can be used in terms of its conformity assessment policy. This includes testing undertaken by farms and/or packers to demonstrate conformance with this Compulsory Specification.
- 3.9** The NRCS shall issue health guarantees for export purposes, where required, in accordance with the requirements of the country of destination as prescribed in Annex B.

4 SPECIFIC REQUIREMENTS

4.1 The harvesting, preparation, storage, packing, conveyance, marking, labelling and quality of live aquacultured abalone, as well as the hygiene requirements for the product and for the packing facility employees, shall comply with the requirements of the latest edition of SANS 729.

4.2 Live aquacultured abalone for packing shall be obtained from sources that are officially approved by DAFF.

4.3 Farms shall be evaluated and approved annually by DAFF as per the requirements of the SAMSM&CP. Packers shall also be issued with permits on an annual basis by the dedicated authority, after official approval of the farms by the NRCS.

4.4 Land-based wet storage facilities shall conduct monthly microbiological testing of the live aquacultured abalone and water against the requirements of the SAMSM&CP.

4.5 All official sampling of live aquacultured abalone and water shall take place according to the requirements of the SAMSM&CP.

4.6 No live aquacultured abalone shall be harvested, packed or shipped for the purpose of placing on the market for human consumption, when the abalone does not meet the requirements of the SAMSM&CP or when the farm is closed by DAFF.

4.7 The facility shall be situated in an environment deemed by the NRCS to be suitable for the packing of the live aquacultured abalone product in accordance with SANS 729.

4.8 The live aquacultured abalone harvested, packed or shipped for the purpose of placing on the market for human consumption, shall not contain any chemicals, microbiological contaminants, and marine biotoxins at levels that could be detrimental to the health of the consumer as per requirements of the SAMSM&CP.

4.9 The live aquacultured abalone product shall be traceable according to the requirements of the movement document referred to in the SAMSM&CP.

5 MARKINGS

Packed live aquacultured abalone product shall be marked in accordance with the requirements of SANS 729.

ANNEX A

(Normative)

A.1 APPLICATION FOR APPROVAL OF THE FACILITY

The applicant shall apply to the NRCS for approval of the facility. The application shall be accompanied by the following:

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

A.1.2 Records and documentation as evidence of implementation of a product safety management system;

A.1.3 Test results for the live aquacultured abalone and water as prescribed in SANS 729 for a minimum period of three months preceding the application (new facilities that have not been in production before the application will be given 3 to 6 months to provide documentation for A.1.2 and A.1.3);

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

A.1.5 Any reasonable additional information requested by the NRCS.

A.2 APPLICATION FOR APPROVAL OF PRODUCT

The applicant shall apply to the NRCS for approval of the product. The application shall be accompanied by the following:

A.2.1 Importers and exporters shall supply details of the live aquacultured abalone product per consignment for which approval is sought and provide evidence that the product complies with SANS 729 (specific export requirements are given in Annex B);

A.2.2 The applicable rights and permits as required by SAMSM&CP;

A.2.3 Test results for the live aquacultured abalone and water as prescribed in SANS 729 for a minimum period of three months preceding the application;

A.2.4 Records and documentation as evidence of implementation of a product safety management system;

A.2.5 Movement documentation to substantiate traceability;

A.2.6 Declaration of current classification of farm with regards to the SAMSM&CP;

A.2.7 Test results as per SANS 729 and SAMSM&CP at request;

A.2.8 Details of the markings used on the packed product;

A.2.9 Information to the satisfaction of the NRCS regarding the measures taken by the applicant to ensure ongoing conformity with the requirements of this Compulsory Specification; and

A.2.10 Any reasonable additional information requested by the NRCS;

A.3 GRANTING OF APPROVAL

A.3.1 The NRCS shall issue an approvals document, as is applicable for the facility, imported products or products destined for export, to the applicant when all the requirements of this Compulsory Specification have been met.

A.3.2 The NRCS shall assign a unique number to each approvals document.

A.3.3 An approvals document shall be the sole proof of approval by the NRCS.

A.3.4 Once a facility is approved, the NRCS will issue an establishment number.

A.4 WITHDRAWAL OF APPROVAL

Any approval granted in respect of live aquacultured abalone products or the facility pursuant to this Compulsory Specification may be withdrawn at any time without prior notice, if compliance with the requirements of this Compulsory Specification has not been maintained.

ANNEX B

(Normative)

B.1 HEALTH GUARANTEES FOR EXPORT

B.1.1 The NRCS may provide health guarantees to authorities in countries to which products are exported at the request of exporters, if products have been farmed, handled and packaged in accordance with the requirements of this Compulsory Specification. In terms of requirements, all sections of the handling and processing chain are to be inspected and where appropriate, random samples have to be taken for verification purposes.

B.1.2 As required, finally prepared and packed live aquacultured abalone product shall be monitored on the basis of a random testing and surveillance programme.

B.1.3 For the issuing of health guarantees, it is required that (for every consignment):

- a) the product originates from farms and is packed in facilities approved by the NRCS in terms of SANS 729;
- b) the farms comply with the requirements of the SAMSM&CP;
- c) the farms and the product be monitored as required by the SAMSM&CP by SAMSM&CP official inspectors;
- d) all products and product codes are to be reflected in the request for export; and
- e) the product covered by such a guarantee is fully traceable to its origin.