



SAMOA

**FISHERIES MANAGEMENT (FISH PROCESSING  
AND EXPORT) REGULATIONS 2022**

Arrangement of Provisions

<b>PART 1 PRELIMINARY</b>	9. Renewal application
1. Citation and commencement	10. Suspension and cancellation
2. Interpretation	11. Duties of licensees
3. Application	<b>PART 4 EXPORTATION</b>
<b>PART 2 ADMINISTRATION</b>	12. Certification
4. Seafood Safety Verification Unit	13. Application for certification
5. Functions of the Authority	14. Certification requirements for export
<b>PART 3 LICENSING OF FISH PROCESSING ESTABLISHMENT</b>	<b>PART 5 SEAFOOD FRAUD</b>
6. Processing licence and conditions	15. Seafood Fraud definition and offences
7. Application	<b>PART 6 MISCELLANEOUS</b>
8. Duration of licence	16. Setting of standards
	17. Judicial review

18. Offences  
19. Fees

A. Standards Applying to  
Processing establishments  
B. Operational Requirements

**Schedule 1-Standards for  
Processing establishments**

**Schedule 2 - Fees**

---

**PURSUANT** to sections 47 and 92 of the Fisheries Management Act 2016 (“the Act”), I, **TUIMALEALIIFANO VALETOA SUALAUVI II** Head of State, acting on the advice of Cabinet, **MAKE** these Regulations:

**DATED** this 27<sup>th</sup> day of September 2022.

signed: (Tuimalealiifano Vaaletoa Sualauvi II)  
**HEAD OF STATE**

## **PART 1 PRELIMINARY**

**1. Citation and commencement** - These Regulations may be cited as the Fisheries Management (Fish Processing and Export) Regulations 2022, and commence on the date they are signed by the Head of State.

**2. Interpretation** - In these Regulations, unless the context otherwise requires:

“authorised officer” means a person designated as such pursuant to section 9 of the Act;

“consignment certificate” means a certificate issued under regulation 13;

- “contaminant” means any substance, organism or thing that is harmful or unsuitable, or potentially harmful or unsuitable for human consumption;
- “Codex Alimentarius Commission” means the body created in 1963 by the Food and Agriculture Organisation and the World Health Organisation to develop and maintain international food standards, guidelines and related texts, such as codes of practice;
- “fisheries health Certificate” means a certificate issued under regulation 13.
- “factory vessel” means any vessel on which fish or fish products undergo any form of processing, but does not include a fishing vessel where only gill, gut and freezing is carried out on board;
- “fish” has the meaning in the Act;
- “fish product” has the meaning in the Act;
- “fish processing” has the same meaning in the Act; “HACCP” means Hazard Analysis Critical Control Point technique, a system that identifies, evaluates, and controls hazards that are significant for food safety;
- “HACCP Plan” means a document prepared in accordance with the HACCP principles as defined by the Codex Alimentarius Commission to ensure control of hazards that are significant for food safety in the segment of the food chain under consideration;
- “label” means any working, tag, brand, symbol, picture, or other descriptive matter written, printed, stencilled, marked, embossed, impressed on, appearing on, attached to, or enclosed within any fish or fish product;
- “licensee” means the person who holds a licence issued in accordance with these Regulations;
- “overseas regulatory authority” means any overseas governmental authority or inter-governmental organisation responsible for regulating the standards, quality and exporting or importing of fish or fish products;
- “processing establishment” any land, premises, other place, factory vessels or sea-based premises where fish or fish products are processed for export and holds a processing licence;

“processing licence” means a licence issued under regulation 6;  
“seafood safety verification officer” means an authorised officer appointed or designated as such under section 9 of the Act.

“Unit” means that Seafood Safety Verification Unit referred to under regulation 4.

**3. Application** - These Regulations applies to processing of fish and fish products in Samoa intended for export.

## **PART 2 ADMINISTRATION**

**4. Seafood Safety Verification Unit** - The Seafood Safety Verification Unit established within the Fisheries Division shall enforce these Regulations.

**5. Functions of the Unit** - The Unit has the following functions:

- (a) to verify the operation of processing establishment and any licensed fishing vessels with processing capacity where required;
- (b) to monitor, regulate and control all exports of fish or fish products including fresh, frozen and processed fish to ensure they are fit for export and consumption;
- (c) to certify exports of fish or fish products;
- (d) to liaise with licensees, other government agencies and importing country authorities with regard to seafood safety and market access requirements;
- (e) to provide official assurances to the authorities of importing countries of the safety of fish or fish products for export;
- (f) to provide verification and inspection information and services to individuals, agencies and other organisations within the country and overseas in respect of fish or fish product exports; and
- (g) to undertake all necessary actions to ensure that fish or fish product exports are fit for purpose.

**PART 3  
LICENSING OF PROCESSING  
ESTABLISHMENT**

**6. Processing licence and conditions-**(1) The Minister may, acting on the advice of the Chief Executive Officer issue a licence authorising the licensee to process fish or fish products from the processing establishment for export.

(2) A fish processing licence is subject to the following conditions:

- (a) comply with the minimum standards specified under Schedule 1 to these regulations;
- (b) comply with the industry agreed standards approved by the CEO;
- (c) the prior approval of the Chief Executive Officer is sought before material additions or alterations are made to the processing establishment on -
  - (i) the structure;
  - (ii) the freezing power; and
  - (iii) plant and equipment;
- (d) the prior approval of the Chief Executive Officer is sought before alterations are made to the fish product or the export commodity;
- (e) a fish processing licence must be used only for the purposes for which it is granted;
- (f) any intended change to the types of processing to be conducted at the fish processing establishment other than those specified on the fish processing licence requires the prior written consent of the Chief Executive Officer;
- (g) the fish processing must only be conducted within the processing establishment;
- (h) the licence is not transferable; and
- (i) any other condition imposed by the Minister for the purposes of these Regulations or the Act.

(3) In this regulation, “material additions or alterations” means any addition or alteration to the processing establishment which may affect the compliance under these Regulations.

**7. Application-**(1) A person may, in the approved form, apply to the Chief Executive Officer for a processing licence.

(2) The application must include the following:

- (a) the application fee under Schedule 2;
- (b) the plan and description of the premises and fish processing;
- (c) the relevant seafood safety management plan, including if applicable the HACCP Plan;
- (d) consent of the Planning and Urban Management Agency; and
- (e) any other information the Chief Executive Officer may require.

(3) The Chief Executive Officer may make further enquiries to assess and ensure that:

- (a) the requirements of these Regulations are complied with;
- (b) the location of the premises is appropriate having regard to all the circumstances, and have been constructed so as to comply with these Regulations or any other enactment;
- (c) the applicant is a fit and proper person;
- (d) the applicant has established that satisfactory provision has been made for the materials for the processing establishment, including process, flows, drainage, sanitation, litter and wastes which have been authorised and approved by PUMA and other relevant Authorities
- (e) an inspection of the processing establishment has been carried out by a seafood safety officer; and
- (f) the applicant provides a written undertaking that the processing establishment complies with these Regulations and will be operated accordingly.

(4) In carrying out an inspection under subregulation (3)(e), a seafood safety officer may:

- (a) inspect, examine, sample or perform any kind of test or examination on any fish or fish product in any form;
- (b) cut, remove, detain, seize, recall, or destroy any fish or fish product not fit for human consumption or not suitable for export;

- (c) indelibly or mark, brand, dye or label any fish, fish product, seafood or seafood product or package containing any fish, fish product, seafood or seafood product;
- (d) interrupt, suspend or prohibit actions or operations wherever fish is being cut-up, stored, sold or in any way processed;
- (e) make or impose any relevant order, instruction, conditions or penalty;
- (f) to assess any risk associated with the processing of fish or fish product.

(5) The Chief Executive Officer may require that an applicant meet any expense, or reimburse the Ministry in relation to any expense incurred, in relation to the enquiries or investigations required under sub regulation (3).

(6) For the purpose of this regulation, “*fit and proper person*” means:

- (a) a person who has not been convicted of an offence punishable by imprisonment for 2 years or more; and
- (b) has been declared bankrupt under an enactment;

**8. Duration of licence** – A processing licence:

- (a) subject to regulations 10 and 11 shall be valid for 12 months; and
- (b) is to be issued in the approved form, setting out the conditions of the licence; and
- (c) lapses if the processing establishment is relocated to any other premises.

**9. Renewal application**-(1) The licensee may apply, in the approved form (“renewal application”), to the Chief Executive Officer to renew the fish processing licence.

(2) The renewal application:

- (a) must include the following -
  - (i) the relevant seafood safety management plan, including where applicable the HACCP Plan; and
  - (ii) the renewal application fee in the Schedule;

- (b) must be made at least 2 months before the licence expires.
  - (c) may, with good reasons given by the licensee, be accepted by the Chief Executive Officer if it is made within 1 month after the licence expires (otherwise a new application is required).
- (3) The Chief Executive Officer may:
- (a) make enquiries as the Chief Executive Officer considers necessary to ensure that -
    - (i) the requirements of these Regulations have been or will be complied with; and
    - (ii) the applicant has undertaken that his or her fish processing establishment complies with these Regulations or any other enactment;
  - (b) recommend to the Minister, upon satisfaction that the application for renewal meets the requirements, to renew the licence under sub-regulation 2.

**10. Suspension and cancellation-**(1) The Minister, acting on the advice of the Chief Executive Officer, may suspend or revoke a processing licence if the Minister is satisfied that:

- (a) the licensee has been declared bankrupt or convicted of a criminal offence punishable by imprisonment of 12 months or more;
- (b) the fish processing business is likely to be conducted in a manner contrary to these Regulations;
- (c) there is a failure to satisfy a judgment or other order of a court for a contravention of these Regulations or the Act by the applicant;
- (d) the licensee has failed in respect of the same or any other fish processing establishment, to comply with any directions, standards or conditions imposed on the operator in accordance with these Regulations;
- (e) the licensee is subject to proceedings under any laws of Samoa or another country on insolvency;
- (f) the information given is false, incomplete, incorrect, misleading or not provided as and when required;
- (g) the premises to be licensed do not meet the requirements of these Regulations, the Act or any other enactment; or



(h) any fees payable under these Regulations or the Act has not been made by the applicant.

(2) The Chief Executive Officer before deciding to suspend or cancel the processing licence, must in writing, notify the licensee within 7 working days to respond to the Minister that the licence should not be cancelled and:

- (a) if the licensee does not have a response as notified, may proceed with making a determination; or
- (b) if the licensee responds and objects to the cancellation, may hear the licensee in person and be given an opportunity to be legal represented (if needed) before making a final determination; or
- (c) if the licensee is dissatisfied with the decision to suspend and cancel after been given the opportunity to be heard, this decision will be subject to judicial review.

(3) If a processing licence is suspended or cancelled the Chief Executive Office must, in writing inform the licensee of the decision of the Minister.

**11. Duties of licensees-**(1) A licensee has the following duties in relation to the processing establishment:

- (a) to comply with these Regulations and any conditions of the processing licence;
- (b) to comply with the industry agreed standards under these Regulations issued by the Chief Executive Officer;
- (c) to comply with the operational requirements applying to fish processing requirements stated under schedule 1 of these regulations.
- (d) to ensure that the operations of processing establishment are suitably implemented and resourced to ensure that fish or fish products are fit for their intended purpose;
- (e) to keep records -
  - (i) to demonstrate compliance with the Schedules to these Regulations;

- (ii) to enable a seafood safety officer or any other authorised officer to trace the movement of fish or fish products from their source to consumers and vice- versa; and
    - (iii) of any other particulars as may be required from time to time by the Chief Executive Officer;
  - (f) to provide at all times reasonable access to a seafood safety officer or any other authorised officer to inspect the fish processing establishment and records and related document in whatever form they may be kept; and
  - (g) to implement programmes required by the Chief Executive Officer to ensure that -
    - (i) regular checks on compliance with the requirements are made;
    - (ii) results of the checks are properly recorded and available for inspection; and
    - (iii) correct action is taken within the required time if a check reveals non-compliance.
- (2) The licensee must display the processing licence in a prominent and visible location in the processing establishment.

#### **PART 4 EXPORTATION**

**12. Certification-** (1) No person shall export or attempt to export any fish or fish products without a Fisheries Health certificate in respect of a consignment issued by a seafood safety verification officer in an approved form.

(2) Any person who contravenes this regulation commits an offence.

**13. Application for Certification-**(1) A licensee must apply to the Chief Executive Officer for a consignment certificate in the approved form, in order to export fish or fish products for commercial purposes outside of Samoa.

(2) When it is required as determined by the Chief Executive Officer, a licensee must apply to the Chief Executive Officer for a catchment certificate in the approved form.

**14. Certification requirements for export** - A licensee must not export any consignment of fish or fish products for commercial purposes unless the consignment is accompanied by:

- (a) a consignment certificate issued in the approved form by the Chief Executive Officer;
- (b) a health certificate issued in the approved form by a seafood safety officer, certifying that the fish and fish product was handled, and processed under HACCP standards; and
- (c) if applicable, a catch certificate issued in the approved form by the Chief Executive Officer, certifying that the fish was legally harvested.

## **PART 5 SEAFOOD FRAUD**

**15. Seafood Fraud**-(1) Seafood fraud includes:

- (a) mislabelling or misclassification of fish or fish product that has been, is intended to be imported, exported, transported, sold, purchased, or received with respect to their grade, quality, quantity, origin, or species including but not limited to species substitution;
- (b) practices where a fish or fish product has been, is being or intended to be imported, exported, transported, sold, purchased, or received is made to look or appear to be better in grade and quality than it actually is; or
- (c) practices where a fish or fish product has been, is being or intended to be imported, exported, transported, sold, purchased, or received, is made to weigh heavier than it actually is;
- (d) the intermixing or otherwise of fish or fish product has been, is being or intended to be imported, exported, transported, sold, purchased, or received, which results in misleading any person to consider, treat, purchase or accept such fish, fish product or aquaculture product to be what it actually is not.

- (2) No person shall;
- (a) mislabel, misclassify, make or submit any false record, account, or label for, or any false identification of, any fish or fish product; or
  - (b) misrepresent or otherwise provide false, incorrect or misleading information regarding any fish or fish product; or
  - (c) engage in species substitution of any fish or fish product, which has been, or is to be marketed, imported, exported, transported, sold, purchased, or received.
  - (d) engage in any practice, including the application or addition of any substance upon or to fish or fish products, to increase weight or improve the appearance in grade and quality of such fish or fish products than it actually is.
  - (e) intermix fish or fish products which has been, or is to be marketed, imported, exported, transported, sold, purchased, or received.
- (3) Any person who contravenes sub regulation (2) commits an offence and is liable upon conviction to a fine not exceeding 1,000 penalty units or to imprisonment for a term not exceeding 3 years, or both.

## **PART 6 MISCELLANEOUS**

**16. Setting of standards-**(1) The standards applying to processing establishments are prescribed in Schedule 1.

**17. Judicial review** - Section 35 of the Act applies to any decision of the Minister or the Chief Executive Officer under these Regulations.

**18. Offences-**(1) A licensee who fails to comply with any duties or standards or any conditions of the licence commits an offence.

- (2) A person commits an offence who:
- (a) contravenes a provision of these Regulations or any condition of a licence or certificate granted under these Regulations;

- (b) removes or allows or causes to be removed from any processing establishment any fish or fish products before the requirements of these Regulations have been satisfied;
- (c) defaces, removes or tampers with any label affixed to any fish or fish products, or any certificate issued, or any record required under these Regulations;
- (d) places on any fish or fish products any certificate or label contrary to these Regulations.
- (e) alters or obliterates, or causes to be altered or obliterated, any certificate or label used under these Regulations unless authorised by these Regulations
- (f) hinders or obstructs, or induces or incites any other person to hinder or obstruct, a seafood safety officer from acting under these Regulations;
- (g) by words or conduct, falsely represents that he or she is a seafood safety officer or impersonates a seafood safety officer;
- (h) provides false or misleading information to a seafood safety officer;
- (i) fails or refuses to provide reasonable access to records and related documents required to be kept or provided under these Regulations to be inspected by a seafood safety officer; or
- (j) provides false or misleading information concerning an application for or renewal of a processing licence, export permit or export certificate or consignment certificate.

(3) Any person who commits an offence against these regulations shall be liable upon conviction to a fine not exceeding 1,000 penalty units or to imprisonment for a term not exceeding 3 years, or both.

**19. Fees** - The fees for the purposes of these regulations are set out in the Schedule 2.

**SCHEDULE 1**

## Regulation 16

**A. STANDARDS APPLYING TO FISH  
PROCESSING ESTABLISHMENTS**

**1. Interpretation** - In this Schedule, if not inconsistent with the Regulations:

“**Pest**” includes, without limitation, dogs, cats, birds, rodents, insects, and any other creatures that are likely to transfer contaminants to fish or fish product; but does not include animals used under direct supervision or control for the purpose of maintaining security.

“**Portable water**” means water that is fit for human consumption as prescribed in the current version of the WHO “International Standards for Drinking Water”.

“**Sanitary design**” means a design that is designed, constructed and located to minimize the risk of contamination in relation to any fish processing establishment, internal structure, equipment or conveyance.

“**Sound**” means in a state that will not contribute to the direct or indirect contamination of fish or fish product.

**2. Site and layout**-(1) The plant and equipment of any fish processing establishment shall be of sanitary design, of sound construction and in good repair.

(2) A fish processing establishment shall be located in place and designed and constructed in a way that:

- (a) minimises the risk of contamination;
- (b) provides adequate working space;
- (c) permits adequate and easy cleaning;
- (d) prevents entry and harbourage of pests and contaminants;
- (e) provides adequate separation to minimise cross contamination;
- (f) facilitates hygienic production;
- (g) separates receival and storage areas from final product preparation or packing;

- (h) provides for liquid and solid waste to be disposed of hygienically;
  - (i) ensures adequate portable water supply;
  - (j) provides adequate lighting and safe electrical supply;
  - (k) provides proper drainage and ensures that the removal of effluent does not contaminate the supply of portable water;
  - (l) minimises and manages exposure of product to hazards;
  - (m) provides adequate ventilation to prevent excessive build-up of heat, steam and condensation;
  - (n) minimises the risk of contamination and product deterioration at loading docks for reception and despatch of fish and fish products;
- (3) The floors of any fish processing establishment shall be constructed in a manner that prevents the pooling of water.
- (4) The windows of any fish processing establishment shall not be able to be opened in any area where processing occurs.
- (5) The windows, doors, hatches, vents and internal walls of the fish processing establishment shall be designed and constructed:
- (a) of smooth impervious materials; and
  - (b) to prevent the entry of pests.
- (6) Any fish processing establishment, including but not limited to its floors, stairs, platforms, stands, type of building materials, cleaning and sanitising facilities, handwashing facilities, lighting intensity and fittings, ventilation and storage areas shall be designed and constructed in a manner approved by the CEO.
- (7) Any fish processing establishment's equipment, utensils and services shall be designed and constructed so as to prevent hygiene hazards and to permit easy and thorough cleaning and sanitising and, where necessary, be accessible for inspection.
- (8) Any fish processing establishment's equipment for inedible products shall be controlled so as to avoid contaminating fish and fish products.
- (9) Any fish processing establishment's refrigerated storage shall be:
- (a) designed and constructed in a manner approved by the CEO; and
  - (b) capable of achieving the required product temperatures under conditions of maximum production.

- (10) The food handling areas of any fish processing establishment shall be designed and constructed in a way to allow:
- (a) for efficient handling of fish and fish product;
  - (b) the separation of operations to minimise contamination;
  - (c) the separation of raw material and final fish and fish products from the risk of any contamination and deterioration.

**3. Amenities and living quarters-**(1) Any fish processing establishment shall have sufficient and suitably located and maintained amenities, including toilets, changing rooms, hand wash facilities and dining rooms for use by its staff.

(2) Any fish processing establishment shall provide for the living areas for staff to be completely separate from any fish and fish product processing and handling areas and such living areas shall not open onto any such processing, handling or food handling area.

(3) The CEO may determine what is sufficient and suitably located for the purpose of clause 3(1) of this Schedule.

**4. Water-**(1) Water to any fish processing establishment shall be sourced, inspected, tested and where necessary, treated so as to provide a potable water supply.

(2) The water reticulation system for any fish processing establishment shall be designed, constructed and operated using approved means so as to minimise the risk of contamination of the potable water.

(3) The CEO may determine approved means for the purpose of clause 4(2) of this Schedule.

## **B. OPERATIONAL REQUIREMENTS APPLYING TO FISH PROCESSING ESTABLISHMENTS**

**1. Interpretation** - In this Schedule, if not inconsistent with the Regulations:

“**Clean Water**” means seawater that is free of excess turbidity, colour, offensive odours and other contaminating substances, and which meets other requirements approved by the CEO.



- “Container”** includes any box, bag, can, carton, crate, jar, wrapper, packaging material or any other thing used for packing fish or fish product but shall not include shipping containers.
- “Control point”** means any point, step procedure at which biological, chemical or physical factors can be controlled.
- “Corrective Action”** means any action to be taken when the results of monitoring at the Critical Control Point indicate a loss of compliance with criteria established in a HACCP plan, support programme or any other approved programme.
- “Critical Control Point (CCP)”** means 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 measurement”** means a parameter that is identified as critical in any standard or HACCP Plan.
- “Food Safety”** means assurance that food will not cause harm to the consumer when it is prepared or eaten according to its intended use. **“Hazard”** means a biological, chemical or physical agent in, or condition of, food which has the potential to:
- (a) affect food safety; or
  - (b) cause an adverse health effect.
- “Hazard Analysis”** means the process of collecting and evaluating information on hazards and conditions leading to their presence to decide which are significant for food safety and therefore should be addressed in the HACCP Plan.
- “Ingredient”** means any substance (including a food additive) used in the processing of fish that is included in or part of the final fish product. **“Monitor”** means the act of conducting a planned sequence of observations or measurements of control parameters to assess whether a CCP or other control point, is under control.
- “Packaging”** means the placement of fish or fish products into a container and includes grading and packing.
- “Pest”** has the same meaning under Schedule 1 (A) (1).
- “Potable Water”** has the same meaning under Schedule 1 (A).(1)

**“Product area”** means an area where fish and fish products are processed.

**“Shipping containers”** means those containers used to store or otherwise contain raw materials and finished fish or fish products under conditions that will prevent deterioration.

**“Support Programme”** means a documented system that underpins or supports a recognised HACCP plan or a recognised hazard identification and analysis process (for example a good manufacturing or good hygiene practice (GMP or GHP) programme or schedule relating to cleaning, staff training, document management or other matters), which is also known as a pre-requisite programme, standard operating procedure (SOP), or standard sanitary operating procedure (SSOP).

**2. Health of employees-**(1) No person shall work where fish or fish products are processed who -

(a) is infected with, or is a carrier of, an infectious disease in communicable form; or

(b) is suffering from boils, sores, infected wounds or acute respiratory infection or gastroenteritis or any other condition likely to place fish or fish products at risk of contamination.

(2) No person who is suffering from an open wound, or a bleeding or discharging injury or infection (other than those listed in sub-clause (1) ), shall work or be permitted to work in an area where fish or fish products are processed unless it is in accordance with conditions approved by the CEO.

(3) Any person who is suspected by an operator of being infected or suffering as described in sub-clause (1) shall not work or be permitted to work where fish or fish product is processed unless the person has been examined and certified by a registered medical practitioner as not being infected or as not suffering from any of the conditions referred to in sub-clause (1).

(4) An operator shall ensure that all persons who are involved with the processing of fish and fish products:

(a) are aware of their obligations under this clause; and

(b) are subject to regular medical and other health care examinations.

**3. Personal Hygiene-**(1) All employees of and visitors to a fish processing establishment shall comply with the approved code of conduct and dress so that the risk of contamination is minimised.

(2) Any person whose presence may impact on the fish or fish products must, in accordance with procedures and conditions approved by the CEO.

- (a) wear protective clothing;
- (b) follow hygiene procedures; and
- (c) behave in a manner that does not contaminate the fish or fish products.

**4. Identification, labeling and record-keeping-**(1) An operator shall keep such records as will enable the operator, CEO or authorised officer to readily ascertain the nature, quantity, and source of any fish or fish products handled in the fish processing establishment.

(2) The fish or fish products shall be labeled by the operator in an approved manner so that the label:

- (a) clearly relates to the fish or fish products to which it applies; and
- (b) contains information that accurately describes or differentiates the fish or fish products.

(3) Records that are required to be kept by the Operator must be:

- (a) complete;
- (b) accurate;
- (c) of sufficient quality;
- (d) appropriately stored and readily accessible;
- (e) supplied as required to authorised officers or the CEO;
- (f) signed and dated by an approved person; and
- (g) held by the operator for a period of 2 years from the date they were made.

(4) An Operator shall not associate any fish or fish product with any false or misleading representation, including but not limited to its:

- (a) fitness for purpose;
- (b) nature;
- (c) origin;

- (d) composition;
- (e) ingredients; or
- (f) proportion of ingredients.

**5. Standards relating to reception of fish** - No fish or fish products shall be received into the areas of a fish processing establishment where fish is processed:

- (a) if it is apparent or there are reasonable grounds to suspect that the fish or fish products are unfit for human consumption;
- (b) if, since the time of catching or harvesting, such fish or fish products have not been handled, held and transported in a manner that would prevent deterioration or contamination;
- (c) if the fish or fish product have not been labeled or identified in an approved manner; or
- (d) if the fish processing establishment does not have in place a programme approved by the CEO to ensure that the requirements of this part of the Schedule are complied with.

**6. Disposal of unfit fish and fish products**-(1) Fish or products found to be unfit for intended purpose shall be disposed of in a manner that:

- (a) minimises the risk of contamination; and
- (b) ensures that the unfit fish or fish product is rendered inedible or prevented from entering the market for human consumption.

(2) Any person who sells or attempts to sell any fish or fish product for human consumption that is unfit or that was to be disposed pursuant to sub-regulation (1) commits an offence.

**7. Standards Relating to Labeling**-(1) All containers of fish or fish products for human or animal consumption intended to be exported from Samoa shall be labeled in a manner approved by the CEO.

(2) All containers of fish or fish products transferred to, or between fish processing establishments or from fishing vessels to fish processing establishments, shall be labeled in a manner approved by the CEO.

**8. Standards relating to storage and transportation-(1)**

Fish and fish products shall be maintained under temperature regimes approved by the CEO while being transported or stored.

(2) No fish or fish products shall be transported with any other thing that may contaminate them unless they are packed in a manner approved by the CEO.

(3) Fish or fish products intended for use as bait or animal food shall be stored in the same place with fish or fish product that is intended for human consumption only if the risk of contamination is minimised.

(4) Fish and fish products shall be transported in conveyances or shipping containers constructed and maintained to a standard approved by the CEO so as to minimise the risk of contamination, deterioration, or decomposition of the fish or fish products.

(5) Where required by the CEO all refrigerated transport units used for transporting fish shall be equipped with monitoring and recording devices approved by the CEO.

**9. Sampling and testing** - Sampling and testing, where required by the CEO or an overseas regulatory authority shall be carried out in a manner and using methodologies approved by the CEO.

**10. Packaging** - Containers shall be designed, made and stored in a manner approved by the CEO to:

- (a) maintain the status of the fish or fish products as fit for intended purpose; and
- (b) minimise the contamination of the fish or fish products.

**11. Managing the risk of contamination** - An Operator shall take all steps necessary and in accordance with conditions and manners approved by the CEO and any support programme to ensure the following are complied with:

**Contamination Control**

- (a) All risks of contamination are managed;
- (b) The fish processing establishment and its equipment are kept in good repair, tidy and clean;

- (c) All product areas are maintained and operated so that -
  - (i) water from condensation;
  - (ii) water used to clean floors, walls or equipment;
  - (iii) excess water used during processing; or
  - (iv) non-potable waters,does not drip or splash so as to cause contamination;
- (d) While processing is in progress, containers, maintenance and cleaning equipment, clothing and effects shall not be present in product areas unless necessary for the purpose of meeting requirement;
- (e) The movement of equipment used in non-product areas into product areas shall be controlled in a manner approved by the CEO so that the risk of contamination is minimised;
- (f) Excess material and waste are:
- (g) Maintenance compounds approved by the CEO are used during the operation or maintenance of the fish processing establishment and such compounds may be used only in a manner approved by the CEO;
- (h) When not in use, maintenance compounds are stored in areas only for that purpose so that the risk of contamination is minimised;
- (i) The fish processing establishment is kept in good condition so as to discourage pests;
- (j) There is in place a programme to prevent the infestation of pests and to ensure the safe use of maintenance compounds used for pest control;
- (k) No pets or animals are allowed in the fish processing establishment but this does not apply to animals used under direct supervision or control for the purpose of maintaining security but no such animal shall be allowed in any product area while processing is in progress;

**Cleaning and Sanitation**

- (l) There is in place a cleaning and sanitation programme for product areas, equipment, storage areas and support areas so that contamination is minimised;

**Repairs and Maintenance**

- (m) Any necessary or notified alterations, repairs or other maintenance activities are performed -
- (i) without unnecessary delay or within such time period as may be specified by an authorised officer,
  - (ii) in a manner which minimises the risk of contamination, and
  - (iii) with all product areas being thoroughly cleaned upon completion of such activities;

**Use of Water**

- (n) There is in place a programme to ensure that the potable water and, where applicable, clean seawater, are of the standard required by these Regulations;
- (o) Non-potable water is -
- (i) used in fish processing establishments only for purposes approved by the CEO;
  - (ii) not connected to any pipe conveying potable water other than temporarily for fire fighting purposes, in which case an authorised person shall be notified as soon as possible;
- (p) Ice that may contact fish and fish products directly, or indirectly, is made from potable water or clean seawater;

**Processing**

- (q) All fish and fish products are processed in accordance with processes approved by the CEO and in accordance with any conditions attached to that approval;

- (r) All fish and fish products produced for export shall be produced in accordance with a documented HACCP Plan approved by the CEO and confirmed by an authorised officer and subject to annual review. Where a HACCP plan changes, the fish processing establishment shall adopt such changes and operate in accordance with the amended HACCP Plan;
- (s) All steps in any process, including packing, shall be performed without unnecessary delay and under conditions (including time and temperature) that minimise the possibility of contamination or deterioration of fish or fish products;
- (t) There is in place a support programme that provides for education and instruction of product handlers in correct product handling, personal hygiene and sanitary practices;
- (u) There is in place a support programme that provides for the Operator to notify the CEO where -
  - (i) any fish or fish products have been rejected by an overseas regulatory authority after the fish or fish product have left the premises;
  - (ii) an overseas regulatory authority has notified the Operator that any fish or fish products that have left the country do not comply with the requirements of any law in Samoa or overseas;
- (v) There is in place a support programme that provides for the Operator to -
  - (i) investigate cases referred to in paragraph (u) and notify the CEO of the results of such investigation; and
  - (ii) take all necessary steps to prevent a recurrence in the event that such fish or fish products are found to be contaminated or otherwise unfit for human consumption;
- (w) The operator's employees are competent to a level approved by the CEO and, if required, have qualifications specified by the CEO,



- (x) All measuring equipment used to carry out critical measurement shall be calibrated and function correctly;

**Additives and Ingredients**

- (y) Only additives and ingredients approved by the CEO and which meet the requirements of the Food and Drugs Act 1967 are used in the processing of fish and fish product;
- (z) All additives and ingredients are stored, handled and transported in a manner to minimise the risk of contamination or deterioration;

**Containers**

- (aa) All containers shall be -
- (i) of a suitable design and manufacture so that the containers do not contaminate any fish or fish product and protect fish or fish product from contamination;
  - (ii) stored prior to use in a manner that protects them from damage and contamination;
  - (iii) at the time of use, clean and undamaged;
- and
- (iv) treated in a manner that minimises contamination if they are to be reused.

**SCHEDULE 2  
(Regulation 19)**

**FEEES**

No.	Subject	Fees(\$)
1	New Application for fish processing establishment and export licence	100.00
2	Renewal or Alterations of Application for fish processing establishment and export licence	100.00
3	Consignment certificate for commercial purposes (per consignment)	20.00
4	Fish Processing Establishment and Export licence	3,000.00 Subject to review every 2 years from the date of commencement.

---

**Issued under the authority of the Regulations Ordinance 1953.**

**Date of Commencement: 27<sup>th</sup> September 2022.**

**These Regulations are administered by the Ministry of Agriculture and Fisheries.**

**Copies of these Regulations can be purchased from  
the Office of the Clerk of the Legislative Assembly.**

Printed by the Clerk of the Legislative Assembly,  
by authority of the Legislative Assembly.