FOOD AND DRUGS AUTHORITY

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Guideline on Processing of Import Permit and Clearance of Frozen Meat, Fish, Shellfish and Other Aquatic Invertebrates

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02/01/2019	01	Initial issue
02/01/2020	02	Insertion of sections 3.1.3, 3.1.4, 4.2 & 4.3. Revision of clause 3.1.10. Deletion of clause 3.2.3 (permit fee) Change of document number and logo
01/07/2022	03	Insertion of clauses 3.1.7, 3.1.8 and 4.2
02/08/2023	04	General FDA format review
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Executive Summary

The purpose of this guideline is to provide importers of prepackaged foods with the requirements of the Food and Drugs Authority (FDA) and also provide a comprehensive procedure for bringing their activities into compliance with Part 7, section 99 of the Public Health Act 2012, Act 851. The guideline gives information, guidance and adherence to the processing of import permit.

Detailed in this guideline are the processes and procedures involved in the application for and issuance of electronic permits as well as the inspection and release of imported frozen meat, fish, shellfish and other aquatic invertebrates.

1. Introduction (background)

Effective regulation of the importation and exportation of internationally traded products is key in ensuring the protection of the health and safety of consumers around the world. Processing of import permit for products, as carried out by the Food and Drugs Authority (FDA), typically involves permit issuance and inspection, both of which are mandated by the Public Health Act, Act 851 of 2012.

This guideline outlines the processes and procedures involved in the application for and issuance of electronic permits as well as the inspection and release of imported products.

This guideline is hereby promulgated for information, guidance and strict adherence by all concerned.

1.1 Legal Basis

In the exercise of the powers conferred on the Food and Drugs Authority by Part 7, section 99 of the Public Health Act, Act 851 of 2012, and in order to ensure the safety and quality of imported frozen meat, fish, shellfish and other aquatic invertebrates as required by the Code of Hygienic Practice for meat (CAC/RCP 58-2005) and the Code of Practice for Fish and Fishery Products (CAC/RCP 52-2003); these guidelines apply to all imports of frozen meat, fish, shellfish and other aquatic invertebrates to be distributed or offered for sale for human or animal consumption.

1.2 Scope

The purpose of these guidelines is to provide importers of frozen meat, fish, shellfish and other aquatic invertebrates guidance in meeting the legal and regulatory requirements of the Food and Drugs Authority (FDA) in order to avoid or reduce food safety risks associated with the consumption of frozen meat, fish, shellfish and other aquatic invertebrates.

2 Definitions and Abbreviations

a. FDA Food and Drugs Authority
b. eMDA Electronic Ministries Departments and Agencies
c. HS Code Harmonised System Code
d. "***label***" means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food;
e. ***"non-compliant/non-conforming product"*** means any or all of these; product is unregistered, unwholesome, banned, has too short a shelf life or does not conform to labelling rules;
f. ***"frozen"*** means the product has been subjected to a freezing process sufficient to reduce the temperature of the whole product to a level low enough to preserve its inherent quality;

g. ***"meat"*** means all parts of domestic ungulates, domestic solipeds, domestic birds, lagomorphs, farmed game, farmed game birds (including ratites) and wild game, that are intended for, or have been judged as safe and suitable for human consumption.
h. "***fish***" means any of the cold-blooded (ectothermic) aquatic vertebrates, including whole round fish (i.e. fish as captured, ungutted) and fillets – amphibians and aquatic reptiles are not included;
i. ***"shellfish"*** means species of aquatic molluscs and crustaceans that are commonly used for food;
j. ***"aquatic invertebrates"*** means aquatic animals, excluding mammalian species, reptiles and amphibians, not defined as shellfish, but intended for human consumption;
k. ***"hazard'*** means a biological, chemical or physical agent in food or the condition of food with the potential to cause an adverse health effect;
l. "***rejected food product***" means the product was deemed unfit to be distributed, sold or used in the country for reasons which may include the physical, chemical and/or microbiological hazard it poses, or the product is banned; and
m. ***"requirements"*** means the criteria relating to trade in food, covering the protection of public health, the protection of consumers and conditions of fair trade.

3. REQUIREMENTS

3.1 General Requirements

3.1.1 Only businesses duly licensed by the Food and Drugs Authority as an importer in accordance with Part 7, section 122 (1) of the Public Health Act, Act 851 of 2012 shall be permitted to import products.

3.1.2 Frozen meat, fish, shellfish and other aquatic invertebrates to be imported, distributed or sold for local consumption must first be registered with the Food and Drugs Authority under Part 7, section 97 of the Public Health Act, Act 851 of 2012.

3.1.3 Furthermore, the storage facility for the supply of frozen meat, fish, shellfish and other aquatic invertebrates must be licenced by the authority in accordance with Part 7, sections 103 and 131 (a) of the of the Public Health Act, Act 851 of 2012.

3.1.4 All importers are required to renew their company license with the Authority annually

3.1.5 Importers shall be required to secure an electronic permit (eMDA) for all imports/consignments of frozen meat, fish, shellfish and other aquatic invertebrates prior to importation. The following information must be submitted at the "item details" column on the eMDA portal;

- Full name of the product
- Name and contact number of Authorized Person

3.1.6 The following information should also be provided or selected at the appropriate column:

- Appropriate HS Code for the product
- Unit of the quantity (ml, L, kg etc)
- Full Address of Importer (including location address)
- Phone #, Fax # and E-mail addresses of both Importer and Exporter
- Type of Permit: Frozen fish and meat

3.1.7 Application for import permit shall attract a verification fee to be determined by the Authority and shall be dependent on the declared FOB on the invoice accompanying the consignment (s). This verification fee is payable at the approved point of entry prior to permit approval.

3.1.8 Processing of a clearance permit and accompanying invoices may take up to 24 hours or one working day after payment of requisite fees

Response/Feedback

The applicant is expected to monitor the status of the application on-line; they are to go beyond the track status to approval history by opening the document.

3.1.9 Only approved electronic permits (eMDA) shall be used for clearance of frozen meat, fish, shellfish and other aquatic invertebrates at the port of entry.

3.1.10 Permits issued for importation of a particular consignment of frozen meat, fish, shellfish and other aquatic invertebrates shall be presented to Customs only once.

3.1.11 In the event that goods short-land, a new permit must be processed for importation/clearance of the short-landed goods.

3.1.12 All consignments of frozen meat, fish, shellfish and other aquatic invertebrates shall be physically inspected, at the port of entry, including all post entry applications;

a. Consignments in compliance with the Law shall be released to the importer;

b. Non-conforming consignments shall be detained under modalities determined by the FDA if they can

be reasonably brought into conformance with the Law at the importer's expense; or

c. Consignments that are rejected shall either be re-exported or destroyed under the FDA's supervision, at the expense of the importer.

d. Inspection of the consignment at the port of entry shall attract verification fee as per the FDA approved fee schedule (LI 2386, 2019).

3.1.13 Physical inspection of consignments of frozen meat, fish, shellfish and other aquatic invertebrates may be carried out at the importer's premises if recommended by Customs or FDA or on request by the importer;

3.1.13.1 Inspection of the consignment at the importer's premises shall attract premises inspection fee as per the FDA approved fee schedule in addition to 3.1.11 (d).

3.2 Applying for Import/Clearance Permit

3.2.1 All consignments of frozen meat, fish, shellfish and other aquatic invertebrates shall have supplier address including country of supply, batch code and net weight indicated on each packaging of the product.

3.2.2 In addition, the shelf-life, storage temperature, handling instructions should be included in the label of all consignments of frozen meat, fish, shellfish and other aquatic invertebrates. The shelf-life should be at least 60% valid during the time of inspection at the port of entry.

3.2.3 International Health Regulation requirements demonstrated by a valid ship sanitation certificate issued by a competent authority and crew vaccination records must be available for verification during physical inspections of bulk cargoes of frozen meat, fish, shellfish and other aquatic invertebrates.

3.2.4 Where appropriate, a valid health certificate issued by the relevant national authority of the exporting country must accompany all consignments of frozen meat, fish, shellfish and other aquatic invertebrates for verification during physical inspection of these product in order to ensure marine biotoxins or veterinary drug residues have been properly controlled and that products have been handled and processed in accordance with hygienic standards and proper process control for food safety hazards.

3.2.5 Instances of claims pertaining to animals slaughtered and processed in agreement with Islamic rites must be substantiated with a valid Halaal Certificate issued by a competent national authority, during physical inspection of frozen meat, fish, shellfish and other aquatic invertebrates.

3.2.6 Throughout the voyage of frozen meat, fish, shellfish and other aquatic invertebrates, temperature should be maintained at -18 °C ± 3 °C or below.

3.2.7 For independent temperature records throughout the voyage, a self-contained single-point temperature recorder must be available in containerized cargoes for check during physical inspection. Preferably, it should be fitted at the second package down at the door end near the center of the stow.

3.2.8 Temperature records must be made available during physical inspection for verification of sustained adequate temperature throughout the voyage of bulk consignments of frozen meat, fish, shellfish and other aquatic invertebrates.

3.2.9 The authority in the execution of its legal mandate as entrenched in Part 7, section 135 of the Public Health Act 2012, Act 851, may detain and subject consignments of frozen meat, fish, shellfish and other aquatic invertebrates to laboratory testing for monitoring and surveillance of foodborne and zoonotic diseases. The importer is therefore expected to wait and cooperate with FDA to be satisfied with the laboratory results before clearance of consignment and distribution for sale and/consumption.

3.2.9.1 On account where a test is positive (e.g. *Listeria monocytogenes* tested positive) by mini lab analysis and confirmed by the Laboratory Services Department of FDA, the whole consignment shall be disposed of at the cost of the importer following FDA approved fee schedule (LI 2386, 2019).

4. Sanctions and Penalties

4.1 The Food and Drugs Authority may impose a fine for the breach of these guidelines in accordance with Section 110 of the Public Health Act, Act 851 of 2012.

4.2 Where an applicant is found to have altered the FOB applicable to clause 3.1.7, he or she shall be made to pay the required verification fee in addition to 100% of the defaulted amount as administrative fine for breach of clause 3.1.7.