

The background of the document features a large, faint, light-colored seal of the State of Illinois. The seal depicts an eagle with wings spread, perched on a shield. Above the eagle's head is a sunburst. The shield contains a cross and a sheaf of wheat. A banner at the bottom of the shield reads "IKE E: /XARRA /IKE".

SECTION B

Permit Conditions: Fish Processing Establishment

2025

DATE OF APPROVAL: 12 DEC 2024

PCM

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1. APPLICABLE ACTS, POLICIES AND DELEGATIONS

- 1.1. This permit is issued in terms of section 13 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) (MLRA).
- 1.2. This permit does not absolve the permit holder from complying with all other applicable laws, including but is not limited to:
 - (a) The Marine Living Resources Act, 1998 (Act No. 18 of 1998) (MLRA) = and subordinate legislation published thereunder;
 - (b) the National Environmental Management Act, 1998 (Act No.107 of 1998) (NEMA); and subordinate legislation published thereunder;
 - (c) the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and subordinate legislation published thereunder;
 - (d) the National Environmental Management: Protected Areas Act, 2003 Act No. 57 of 2003) (NEMPA) and subordinate legislation published thereunder;
 - (e) the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No.24 of 2008) (ICM Act) and subordinate legislation published thereunder;
 - (f) the Threatened or Protected Marine Species Regulations, 2017 read together with the List of Threatened or Protected Marine Species, 2017;
 - (g) the Firearms Control Act, 2000 (Act No. 60 of 2000) (FACA) and subordinate legislation published thereunder;
 - (h) the Marine Pollution (Prevention of Pollution from Ships) Act, 1986 (Act No. 2 of 1986) (ICPPSA) and subordinate legislation published thereunder;



- (i) the South African Maritime Safety Authority Act, 1998 (Act 5 of 1998) (SAMSAA) and subordinate legislation published thereunder;
- (j) the Animal Health Act, 2002 (Act No. 7 of 2000) (AHA) and subordinate legislation published thereunder;
- (k) the Standards Act, 2008 (Act No. 8 of 2008) (SA) and subordinate legislation published thereunder;
- (l) the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008) (NRCSA) and subordinate legislation published thereunder;
- (m) the National Ports Authority Act, 2005 (Act No. 12 of 2005) (NPAA) and subordinate legislation published thereunder;
- (n) the Companies Act, 2008 (Act No. 71 of 2008) (CA) and subordinate legislation published thereunder.
- (o) the National Environmental Management Waste Act (Act No. 59 of 2008) (NEMWA) and subordinate legislation published thereunder;
- (p) the Trade Metrology Act, 1973 (Act No. 77 of 1973) and subordinate legislation published thereunder;
- (q) the National Water Act, 1998 (Act No. 36 of 1998) and subordinate legislation published thereunder;
- (r) the National Health Act, 2003 (Act No. 61 of 2003) and subordinate legislation published thereunder;
- (s) the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) and subordinate legislation published thereunder; and



- (t) the Animal Protection Act, 1962 (Act No.71 of 1962) and subordinate legislation published thereunder.
- 1.3. The Chief Director: Marine Resources Management, Director: Inshore Fisheries Management, Director: Offshore & High Seas Fisheries Management, Director: Small-Scale Fisheries Management, Chief Director: Aquaculture & economic Development and/ or Director: Sustainable Aquaculture Management shall be entitled to amend these permit conditions where necessary.
- 1.4. Any reference to the "Permit Holder" in these Permit Conditions includes the entity or person in whose name the permit has been issued and includes any employees (whether permanent or temporary), contractors, agents or advisers of the Permit Holder.
- 1.5. The Department may refuse to issue a future FPE permit to the Permit Holder to process fish should the Permit Holder fail to comply with these Permit Conditions. Should an investigation into contravention by the Permit Holder be ongoing, any new permit application may be held in abeyance pending the outcome of that investigation.
- 1.6. The Permit Holder may only process the fish specified in Section A (the Permit) and related by-catch species (for a vessel-based FPE, this provision should also be read in conjunction with the catch permits linked to the vessel). In addition, the Permit Holder for a land-based FPE may process fish species for which the Permit Holder can provide an invoice and which have been procured from a commercial permit holder or an exemption holder issued with a permit or exemption in terms of sections 13 or 81 of the MLRA respectively.
- 1.7. Notwithstanding the provisions stipulated in conditions 1.6 in relation to the Permit Holder of a land-based FPE operating in KwaZulu-Natal no Elf (shad) may be stored or processed on the FPE premises.
- 1.8. The Permit Holder may not purchase any fish or fish products from a foreign vessel which is not on the authorised list of vessels of the relevant Regional Fisheries Management Organisation (RFMO) or relevant international agreement,



if the foreign vessel fished in those waters subject to the jurisdiction of the RFMO or international agreement for species managed by the RFMO or international agreement.

- 1.9. The Permit Holder may not purchase any fish from vessels which cannot provide documentation from the flag State proving that they have authorisation to fish in a legally controlled and regulated fishery.
- 1.10. The Permit Holder must have an import permit when purchasing any fish from foreign vessels. The Permit Holder must ascertain whether the foreign vessels were in possession of a valid permit or provided the required notification to enter the South African exclusive Economic Zone (EEZ) at the time of purchasing their fish for import. All relevant documentation must be obtained by the Permit Holder and submitted to the Department upon request.

2. VALIDITY OF PERMIT

- 2.1. This permit is valid for the period indicated in Section A of the Permit.
- 2.2 The Permit will automatically lapse and become invalid if:
 - (a) the right to operate a fish processing establishment is cancelled or revoked in terms of section 28 of the MLRA;
 - (b) the Permit is revoked or cancelled in terms of section 28 of the MLRA; or
 - (c) the validity period in condition 2.1 read with Section A expires.

3. SUBMISSION OF INFORMATION

- 3.1. The Permit Holder must submit or provide all information required to be submitted to the Department in terms of these permit conditions in one of the following ways (all correspondence must be clearly marked as to **subject matter**):

<u>By mail</u>	<u>By Hand</u>	<u>By telephone</u>
Subject: Customer Support and Permitting, Private Bag X 2, Vlaeberg, 8018	Subject: Customer Support and Permitting, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town	0860 003 474

- 3.2. The Permit Holder must, on request of the Department, provide any economic, socio-economic or financial information (e.g., turnover, quantities of fish processed) in the format requested by the Department.

4. RECORD KEEPING

- 4.1. The Permit Holder must keep detailed records of all fish purchased, processed, sold locally and/ or exported and or imported as well as invoice numbers and copies of invoices for a period of five years (60 months).
- 4.2. The records referred to in condition 4.1 must stipulate:
- each purchase concluded from date of issue of this permit;
 - the vessel name, numbers and flag State of the vessels from which the fish or fish products were purchased;
 - details of fishing right holder/ person/company from whom the fish was purchased;
 - the ownership details of each vessel from which fish was obtained (names, addresses and telephone numbers);
 - the mass of fish/fish products (in kilograms) purchased; and
 - type of fish/ purchased.
- 4.3. Handwritten invoices must be accompanied by the official company stamp with cellphone numbers of the right holder and FPE address.
- 4.4. A certified copy of the FPE permit must be kept on the premises (land or vessel) where the processing of fish or fish products occurs and must be produced on

request of a Fishery Control Officer, Harbour Resource Monitor or any other authorised official.

5. SHARK PROCESSING

- 5.1. A Permit Holder with a vessel-based fish processing permit may not have shark fins that total more than 8% of the weight of the shark trunks or any shark product on board. For Large Pelagic Longline vessels, fins may not be removed from the shark trunks (i.e., headed, gutted). Fins to be kept attached to the specific trunk either through a partial cut and folded over or tethered to the trunk via a cord.

6. SEAWEED PROCESSING

- 6.1 The Permit Holder may not process seaweed on a beach or in any public space or area.
- 6.2 In the event that an FPE permit is granted on a property that extends to the beach, the Permit Holder, must, in consultation with the local Fisheries Compliance Officer, identify a processing site(s) on the property that is at least 100 meters away from the high-water mark. Due consideration to sensitive areas, vegetation, and animals should be taken into consideration when identifying these sites.

7. PRODUCTION FIGURES

- 7.1. The Permit Holder shall upon request, submit relevant production figures by product and mass, and by species received for processing for each individual vessel and/or rights holder(s) and/or importers to the Department of Forestry, Fisheries and the Environment, Customer Support and Permitting, Ground Floor, Foretrust Building, Private Bag X 2, Vlaeberg, Foreshore, Cape Town, 8018,
- 7.2 All Fish Processing Establishments that process (including hold and pack) West Coast Rock Lobster must by the 15th of every month complete the electronic West Coast Rock Lobster processing and production statistics including the

yields, export and local market sales form as provided by the Department and e-mail it in Microsoft Excel and pdf formats to WCRLexport_ProdStats@dffe.gov.za. The electronic format/form can be obtained from the following officials, BMullins@dffe.gov.za, NSejosengoe@dffe.gov.za, HCoetzee@dffe.gov.za or LTuko@dffe.gov.za.

8. VESSEL SPECIFICATIONS APPLICABLE TO VESSEL BASED RIGHT HOLDERS

- 8.1. The letter “F” must be displayed on the vessel next to the area number. The area number must correspond to the area number set out in the permit (Section A).
- 8.2. The Permit Holder may not use any registered fish processing fishing vessel unless it bears the registration letters and numbers assigned thereto by the Director-General in terms of regulation 77 of the MLRA Regulations (GNR 1111 of 2 September 1998). Such letters and numbers must be painted in white on a black background or in black on a white background on both bows in characters as set out in Annexure 14 of the MLRA Regulations.
- 8.3. Radio call signs must be clearly visible and displayed as stipulated in terms of regulation 78 of the MLRA Regulations.

9. ECOSYSTEM CONSIDERATIONS

- 9.1. The Permit Holder must ensure sustainable fishing practices and take all reasonable steps to minimise the impacts of fishing operations on the ecosystem. In particular the Permit Holder must mark all gear, including “strops” (cords used to hang fish during freezing) and guard against lost “strops” during discharge procedures. Cape fur seals subsequently become entangled in these strops resulting in mutilation of these mammals and in many cases a slow agonising death and permit holders are therefore required to comply with provisions of condition 9.3.
- 9.2. To minimise entanglement of Cape fur seals the Permit Holder must ensure that they are constructed according to the following specifications:

- (a) A double strand of polypropylene cord or alternatively any biodegradable material, rather than being made into one large circle is to be restricted to a maximum size of circle by knotting the rope to limit the hole size to a maximum of 80 mm between knots. (See Figure 1 for clarity).
- (b) This design allows the application of the strops as originally used but will ensure that seals cannot become entangled in the loops.



Figure 1: An example of correct “strops” to use to avoid seal entanglement
ps” to use to avoid seal entanglement

- 9.3. The Permit Holder must during (and after) the discharge process account for the remaining strops to ensure that none are discharged, blown or swept into the sea. If a strop is missing, the Permit Holder must take all reasonable steps to locate and retrieve it.
- 9.4 The Permit Holder must safely store all inorganic waste material, garbage and pollutants on board the fish processing vessel. No inorganic waste material, garbage or pollutants may be discharged into the sea, landing sites and or harbours.

10. VIOLATIONS

- 10.1. A failure to comply with the provisions of the MLRA, MLRA Regulations or these Permit Conditions may result in the initiation of legal proceedings (which may include proceedings in terms of section 28 of the MLRA and/ or criminal proceedings).

- 10.2 In terms of the MLRA, the Permit Holder is obliged to report to the Minister any contravention of the provisions of the MLRA by any other person. Any such contravention must be reported to the Department in writing for Attention: The Chief Director: Monitoring, Control and Surveillance and to the nearest Fishery Control Office ("FCO") indicated in table 1 below.

Table 1: Contact details of Fishery Control Officers:

HARBOURS	ADDRESS OF FISHERY CONTROL OFFICES	RESPONSIBLE FISHERY CONTROL OFFICER
Cape Town Harbour	Fisheries Management, Foretrust Building, Cape Town	Ms. B. Polo Tel: 0664710766 / 021 402 3361 Fax: 021 402 3113
Hout Bay Harbour	Harbour Road, Hout Bay	Mr. L.S. Sekoboto Tel: 021 783 2295 / 0719771575
Mossel Bay Harbour	82 Marsh Street, Old Shoprite Building, Mossel Bay, 6500 (Next to Department of Labour)	Ms. H. October Tel: 066 471 1400 Fax: 044 6903500
Saldanha Bay Harbour	Saldanha Bay Harbour, President Street, Saldanha	Mr. W. Theron Tel: 0664711300 / 022 714 1710 Fax: 022 714 3997
St Helena Bay	Sandy Point Harbour, St Helena Bay	Mr. M Songatshu Tel: 081 438 3824/ 022 736 1188 / 022 7361125 Fax: 022 736 1530
Hermanus Harbour	New Harbour, 248 Still Street, Hermanus	Mr. M. Grootboom Tel: 0664710741 / Fax: 028 313 0502

Gansbaai Harbour	Gansbaai Harbour Office, Gansbaai	Mr. S. Ndashe Tel: 0664711509 Fax: 028-3841546 / 0866901202
Gordons Bay Harbour	Gordons Bay Harbour, Gordons Bay	Ms. N. Jozi Tel: 0664710774 / 021 856 0358 Fax: 021 856 0931
KwaZulu-Natal Harbour	Fishery Compliance Office, Port Edward	Ms. D. Augustus / Mr. T. Ntshangase Tel: 031 264 0006 / 066 471 1460/ 066 471 0789
Northren Cape	Fishery Compliance Office, Port Nolloth	Mr Thulani Mthombeni 083 2 4 8525
East London Harbour	Latimer's Landing, East London Harbour	Mr. L. Nodwala / Mr. M. Fifane Tel: 043 722 2091 / 082 829 3907 / 0730154588 Fax: 0437222091
Gqeberha Harbour	21 Stanley Street, Central, Gqeberha	Mr. D.W. Mostert Tel: 041 5854051 / 066 4711593 Fax: 041 586 0385

- 10.3 The Permit Holder may not receive, keep, control, transport or be in possession of fish species landed, acquired or delivered in terms of a recreational fishing permit.

11. NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS (NRCS)

- 11.1. The Permit Holder may only market fish and/or any fish product processed in accordance with the prescribed National Regulator for Compulsory Specifications (NRCS) standards (where applicable) and must at all times be in possession of a valid NRCS certificate.

12. INSPECTION OF PREMISES

- 12.1. The Permit Holder must allow a Fishery Control Officer, Catch Data Monitor and/or any other authorised official to enter and inspect the fish processing establishment or any other place where fish or fish products are kept, stored or processed.
- 12.2. The Permit Holder and all persons employed at any fish processing establishment, must immediately comply with any reasonable instruction by a Fishery Control Officer, Catch Data Monitor or any other authorised official, including an instruction to facilitate his or her safe entry and inspection of the fish processing establishment, records, documents, fish and fish products and take all measures necessary to ensure the safety of the Fishery Control Officer, Catch Data Monitor or other authorised official in the performance of his or her duties while at the FPE.
- 12.3. The Permit Holder must not hinder, interfere with or obstruct the Fishery Control Officer, Catch Data Monitor or authorised official in the performance of their duties and functions.
- 12.4. In the event that the FPE falls within a restricted area (e.g. mining areas), the Permit Holder shall obtain the necessary approval in advance from the relevant authority or right holder to facilitate access to the FPE sites or areas by a Fishery Control Officer, Catch Data Monitor, and other authorised official.

13. GENERAL

- 13.1. The Permit Holder must take care, keep, sort, pack and process cultivated and wild molluscan shellfish separately.
- 13.2. The Permit Holder must ensure that packages reflect the following information legibly in addition to other labeling requirements specified in the Trade Metrology Act, 1973 (Act No. 77 of 1973), Compulsory Technical Standards, as applied in terms of the Standards Act, 1993 (Act No. 29 of 1993), or importing country regulations:
- (a) Packer establishment number, name and address;
 - (b) date of packaging (day, month and year);
 - (c) batch code reflecting origin of product;
 - (d) requirements for storage, prior to use by consumers (on main panel);
 - (e) product of the Republic of South Africa; and
 - (f) a detailed description of the product on the main panel.
- 13.3. The Permit Holder may not hold live animals for longer than 14 days on the FPE premises.
- 13.4. No effluent shall be discharged into the marine environment from a land based FPE, unless done in terms of a general authorisation or coastal waters discharge permit issued in terms of section 69 of the ICM Act
- 13.5. Effluent from processing shall be sterilized prior to discharge into any local municipal sewage system. Solid waste shall be screened from effluent and disposed of at an authorised landfill site.
- 13.6. The Permit Holder shall make use of washable containers for transporting fish which has not yet been processed. Washable containers must consist of smooth impervious material that can be effectively washed and disinfected after use, which is the responsibility of the fish processing establishment.

- 13.7. Solid waste generated during processing must be collected in leak proof, vermin proof, sealed containers and disposed of at an authorised landfill site within 48 hours of being generated or seven days of freezing. Should re-use of shells be considered, the fish processing establishment must demonstrate that they are able to contain them prior to removal (i.e., in an enclosure or dustbin away from vermin, birds and other animals). The Permit Holder may not re-use shells without the prior written permission of the Department.
- 13.8. The Permit Holder must implement good biosecurity measures to prevent the spread of disease when near the FPE.
- 13.9. The permit holder must allow officials from Fisheries Research and Development (FRD) to enter and conduct length frequency on fish products as required at a prearranged agreed upon time. The FRD officials shall not hinder, interfere or obstruct the duties of the fish processing establishment. The permit holder shall ensure that the area to be used to conduct the length frequencies is safe and adequate to work in.

14. EXPORT OF FISH

- 14.1. The Permit Holder may not export any fish and/or fish products without a valid export permit issued by the Department in terms of section 13 of the MLRA read with regulation 27(1)(f) of the MLRA Regulations.

15. IMPORT OF FISH

- 15.1. No fish and/or fish products may be imported and processed without an import permit issued by the Department in terms of section 13 of the MLRA read with regulation 27(1)(e) of the MLRA Regulations. Notwithstanding the provisions of the notifications in permit conditions 5.5, 5.6, 5.7 and 5.8 of the South Coast Rock Lobster Fishery, a vessel engaged in fishing operations in Mozambique may also enter into South African EEZ (SA EEZ) with fish on an import permit.

- 15.2. Any marine product "in bond/transit" may not be processed whilst "in bond/transit". If bonded products are purchased for processing in South Africa, an import permit is required for the said product from the Department.

16. KWAZULU-NATAL EAST COAST ROCK LOBSTER (ECRL)

16.1. The Permit Holder must:

- (a) inform the Fisheries Compliance Officer (Tel: 031 264 0006, Ms. Delricia Augustus, Cell: 0664711460, e-mail address: DAugustus@dffe.gov.za; or Mr. Lungile Nodwala, Cell: 0836503707, e-mail address: LNodwala@dffe.gov.za or Mr. Thanduxolo Ntshangase, Cell: 066 4710789 , e-mail address: TNTshangase@dffe.gov.za) at least 24 hours prior to the transportation of East Coast Rock Lobster from the Permit Holder to the intended market in or outside of KwaZulu-Natal;
- (b) must ensure that the consignment does not leave until a Fishery Control Officer has sealed the enclosed back of the transporting vehicle using seals provided by the Department. The seal number must be recorded on the declaration form. The original declaration form must be kept in the vehicle while transporting East Coast Rock Lobster;
- (c) not transport East Coast Rock Lobster to KwaZulu-Natal with an intention of sale, **EXCEPT** to an authorised fish processing establishment and only for processing;
- (d) amend all existing contractual agreements with its clients to the effect that the client agrees to:
- (e) not sell to outlets based in the province of KwaZulu-Natal; and
- (f) not to supply, donate or dispose of East Coast Rock Lobster in any other way in the province of KwaZulu-Natal.

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Name: Mandisile Mqoqi

Designation: Director: Offshore and High Seas Fisheries Management

Date: 12 DEC 2024

M. MQOQI
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