



# **SECTION B**

# **Permit Conditions: Fish Processing Establishment**

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**2024**

**DATE OF APPROVAL:** 11.12.2023

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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).
- 1.2. This permit is issued subject to the provisions and regulations of the following laws but is not limited to:
  - (a) The Marine Living Resources Act, 1998 (Act No. 18 of 1998) (MLRA) as amended and regulations promulgated thereunder;
  - (b) The National Environmental Management Act, 1998 (Act No.107 of 1998) (NEMA), and regulations promulgated thereunder;
  - (c) The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and regulations promulgated thereunder;
  - (d) The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPA) and regulations promulgated thereunder;
  - (e) The National Environmental Management: Integrated Coastal Management Act, 2008 (Act No.24 of 2008) (NEMA: ICMA) and regulations promulgated thereunder;
  - (f) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973) (SBSPA) and regulations promulgated thereunder;
  - (g) The Fire Arms Controls Act, 2000 (Act No. 60 of 2000) (FACA) and regulations promulgated thereunder;
  - (h) The International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986) (ICPPSA) and regulations promulgated thereunder;

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

- (t) The Animal Protection Act, 1962 (Act No.71 of 1962) and Regulations promulgated 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 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:
- (a) the entity or person in whose name the permit is issued;
  - (b) the "Right Holder", i.e., entity or person in whose name the fish processing right is granted; and
  - (c) the employees (whether permanent, 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.
- 1.6. The Permit Holder may only process the fish as 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 for and have been procured from a 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 1.5 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 shall not purchase any fish or fish products from foreign vessels which is not on the Authorised list of vessels of the relevant Regional Fisheries Management Organisation ("RFMO"), if they had been fishing in those waters for species under their mandate.
- 1.9. The Permit Holder shall 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 to enter the South African exclusive Economic Zone ("EEZ") at the time of purchasing their fish for import.

## **2. VALIDITY OF PERMIT**

- 2.1. This permit shall be valid for the period indicated in Section A of the Permit ("the Permit").
- 2.2. The Permit shall automatically expire and become invalid if :
  - (a) the right to operate a fish processing establishment is cancelled or revoked in terms of Section 81 of the MLRA;
  - (b) the Permit is revoked or cancelled in terms of Section 28 of the MLRA; or
  - (c) the validity period in 2.1 expires.

## **3. SUBMISSION OF INFORMATION**

- 3.1. The Permit Holder shall submit or provide the information to the Department 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 & Permitting, Private Bag X 2, Vlaeberg, 8018	Subject: Customer Support & Permitting, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town	<b>0860003474</b>

- 3.2. The Permit Holder shall provide, on request, any economic, socio-economic or financial information (e.g., turnover, quantities of fish processed) in the format as requested by the Department.
- 3.3. The Permit Holder shall submit certified information to the Department in the format required in respect of the fish, species, mass and products that were imported as well as full details of the exporter of the fish.

#### 4. RECORD KEEPING

- 4.1. The Permit Holder shall keep detailed records of all fish purchased, processed and or exported and or imported as well as invoice numbers and copies of invoices for a period of five years (60 months).

The records shall stipulate:

- (a) each purchase concluded from date of issue of this permit;
- (b) the vessel name, numbers and flag State of the vessels from which the fish or fish products were purchased;
- (c) fishing right holder's details;
- (d) the ownership details of each vessel from which fish was obtained (names, addresses and telephone numbers);
- (e) the mass of fish/fish products (in kilograms) purchased and
- (f) type of fish/ purchased.

- 4.2 The 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 the Fishery Control Officer or Harbour Resource Monitor and or any other authorized law enforcement official.

## 5. SHARK PROCESSING

- 5.1. The Permit Holder with a vessel-based fish processing permit shall 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. PRODUCTION FIGURES

- 6.1. All fish processing establishments 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 & Permitting, Ground Floor, Foretrust Building, Private Bag X 2, Vlaeberg, Foreshore, Cape Town, 8018, **Attention: Economist: Mr Jacques van Zyl.**
- 6.2 All Fish Processing Establishments that process (including hold and pack) West Coast rock lobster must by the 15<sup>th</sup> of every month complete the electronic West Coast rock lobster processing and production statistics including 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](mailto:WCRLexport_ProdStats@dffe.gov.za). The electronic format/form can be obtained from the following officials, [BMullins@dffe.gov.za](mailto:BMullins@dffe.gov.za), [HCoetzee@dffe.gov.za](mailto:HCoetzee@dffe.gov.za) or [LTuko@dffe.gov.za](mailto:LTuko@dffe.gov.za).



**7. VESSEL SPECIFICATIONS**

- 7.1. The letter "F" must be displayed on the vessel next to the area number. The area number shall correspond to the area number set out in this permit. The Permit Holder shall 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. Such letters and numbers shall 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 Regulations.
- 7.2. Radio call signs must be clearly visible and displayed as stipulated in terms of Regulation 78 promulgated under the MLRA.

**8. ECOSYSTEM CONSIDERATIONS**

- 8.1. The Permit Holder shall take cognisance of sustainable fishing practices and impacts of fishing operations on the ecosystem. A specific concern is the impact of lost "strops" (cords used to hang fish during freezing) 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.
- 8.2. To minimize entanglement of Cape fur seals the Permit Holder or any other person in possession of these strops 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) The minimum stretched length between knots may not exceed the stipulated 80 mm. 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

- 8.3. The Permit Holder or any other person in charge of the possession of these strops must during (and after) the discharge process account for the remaining strops to ensure that none are discharged, blown or swept into the sea.
- 8.4. The Permit Holder shall safely store all inorganic waste material, garbage and pollutants on board the fish processing vessel. Should the Permit Holder discard any inorganic waste material, garbage or pollutants into the sea, landing sites and or harbours this permit will be suspended for a period determined by the Department and the Permit Holder shall take those steps considered necessary in terms of relevant legislation to remedy any pollution caused.

## 9. VIOLATIONS

- 9.1. A failure to comply with the provisions of the MLRA or these Permit Conditions may result in the initiation of legal proceedings (which may include Section 28 proceedings and or criminal proceedings). A breach includes but is not limited to:
- (a) furnishing false or incomplete information to the Department of Forestry, Fisheries and the Environment ("the Department");
  - (b) contravening or failing to comply with a permit condition;
  - (c) contravening or failing to comply with a provision of the MLRA, and or;
  - (d) being convicted of an offence in terms of the MLRA.

- 9.2 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 and should be faxed to (021) 402 3663 Attention: The Chief Director: Monitoring, Control and Surveillance.
- 9.3. The Permit Holder shall also report in writing the contravention to the nearest Fishery Control Office (“FCO”) indicated in table 1 below:

**Table 1: Contact details of FCO**

<b>Harbours</b>	<b>Address for Fishery Control Offices</b>	<b>RESPONSIBLE OFFICER</b>
<b>Cape Town Harbour</b>	Fisheries Management, Foretrust Building, Cape Town	Ms B. Polo Tel: 060 789 8031 / 021 402 3361 Fax: 021 402 3113
<b>Hout Bay Harbour</b>	Harbour Road, Fishery Compliance office, Hout Bay	Mr. L.S. Sekoboto Tel: 021 783 2295 / 0719771575
<b>Mossel Bay Harbour</b>	82 Marsh Street, Old Shoprite Building, Mossel Bay, 6500 (Next to Department of Labour)	Ms. Heslene October Tel: 066 471 1400 Fax: 044 6903500
<b>Saldanha Bay Harbour</b>	Saldanha Bay Harbour President Street Saldanha	Mr. W. Theron Tel: 082 771 8910 / 022 714 1710 Fax:022 714 3997
<b>St Helena Bay Harbour</b>	Sandy Point Harbour St Helena Bay	Mr. W. Basson Tel: 078 714 7422 / 022 736 1188 /

		022 7361125 Fax: 022 736 1530
<b>Hermanus Harbour</b>	New Harbour 248 Still Street Hermanus	Mr. M. Grootboom Tel: 071 581 1581 / 079 787 5681 Fax: 028 313 0502
<b>Gansbaai Harbour</b>	Gansbaai Harbour Office, Gansbaai	Mr. S. Ndashe Tel: 082 645 4795 Fax: 028-3841546 / 0866901202
<b>Gordon's Bay</b>	Gordons Bay Harbour, Gordons Bay	Ms. N. Jozi Tel: 073 264 5953 / 021 856 0358 Fax: 021 856 0931
<b>KwaZulu-Natal</b>	Fishery Compliance Office, Port Edward	Ms Delricia Augustus / Mr Thanduxolo Ntshangase Tel: 031 264 0006 / 072 988 1876 / 079 444 9951
<b>East London Harbour</b>	Latimer's Landing, East London Harbour	Mr Lungile Nodwala / Mr Mphakamisi Fifane Tel: 043 722 2091 / 082 829 3907 / 073 015 4588 Fax: 043 722 2091
<b>Gqeberha Harbour</b>	21 Stanely Street, Central Gqeberha	Mr. D.W. Mostert Tel: 041 5854051 / 066 4711593 Fax: 041 586 0385

9.4 The Permit Holder shall not at the FPE receive, keep, control, transport or be in possession of fish species landed, acquired or delivered in terms of a recreational fishing permit.

**10. NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS (NRCS)**

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

**11. INSPECTION OF PREMISES**

11.1. The Permit Holder shall allow the Fishery Control Officer / Harbour Resources Monitor and/or any other authorized law enforcement official to enter and inspect any fish processing establishment or any other place where fish or fish products are kept, stored or processed.

11.2. The Permit Holder and all persons employed at any fish processing establishment, shall immediately comply with any reasonable instruction or request given by the Fishery Control Officer or Harbour Resources Monitor any other authorized law enforcement official, 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 a Fishery Control Officer or Harbour Resources Monitor or any other authorized law enforcement official in the performance of his or her duties.

11.3 The Permit Holder shall not hinder, interfere or obstruct the duties and functions of the Fishery Control Officer or Harbour Resources Monitor or any other authorized law enforcement official.

## 12. MOLLUSCAN SHELLFISH BIOSECURITY

- 12.1. The Permit Holder shall take care, keep, sort, pack and process cultivated and wild molluscan shellfish separately.
- 12.2. The Permit Holder shall 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.
- 12.3. All fish received by the FPE Permit Holder shall be processed or destroyed.
- 12.4. The Permit Holder shall not hold live animals for longer than 14 days on the same premises as the FPE.
- 12.5. No effluent shall be discharged into the marine environment without a valid discharge permit or general authorization issued by the relevant authority.
- 12.6. Effluent from processing shall be sterilized prior to discharge in the marine environment or discharged into the local municipal sewage system. Solid wastes shall be screened from effluent and disposed of at an authorised landfill site.
- 12.7. The Permit Holder shall make use of washable containers for delivering fish to the processing establishment. 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.

- 12.8. 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 created 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 shall obtain written permission from the Department to re-use shells.
- 12.9. The Permit Holder shall implement good biosecurity measures to prevent the spread of disease when in close proximity to the FPE.
- 12.10. The permit holder shall 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.

### **13. EXPORT OF FISH**

- 13.1. 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 together with Regulation 27(1)(f). All fish and/or fish products exported to the European Union ("EU") must be issued with a valid EU Illegal Unreported Unregulated ("IUU") catch certificate.
- 13.2. The certified copy of the relevant export permit must accompany each consignment of fish or fish product that is to be exported. Certified copies of the utilised export permits must be kept on file for a minimum of five years (60 months).
- 13.3. Copies of all the following documents must be kept in a filing system for a minimum period of five years (60 months)
- (a) Waybills;

- (b) Custom declarations (DA550); and
- (c) Export permits.

#### 14. IMPORT OF FISH

- 14.1. 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 together with Regulation 27(1)(e).
- 14.2. Copies of all the following documents must be kept in a filing system for a minimum period of five years (60 months):
  - (a) Waybills;
  - (b) Custom declarations or SAD 500; and
  - (c) Import permits.
- 14.3. Any marine product "in bond/transit" may not be processed whilst "in bond/transit".

#### 15. KWAZULU-NATAL EAST COAST ROCK LOBSTER (KZN ECRL)

- 15.1. 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: 079 444 9951, e-mail address: TNtshangase@dffe.gov.za) at least 24 hours prior to the transportation of East Coast Rock Lobster from the landing site and/or from the fish processing establishment to the intended market in or out of KwaZulu-Natal.
  - (b) the Fishery Control Officer must seal the enclosed back of the transporting vehicle using prescribed 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 the 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:
  - (i) Not sell to outlets based in the province of KZN; and
  - (ii) Not to supply, donate or dispose of ECRL in any other way in the province of KZN.



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**Name:** Odwa Dubula  
**Designation:** Director: Inshore Fisheries Management  
**Date:** 11.12.2023