

# KAYTRAD COMMODITIES (PTY) LTD

## REGULATIONS

***Herewith please find the regulations, under which the Fishing Industry of South Africa operates, and with which Kaytrad has been fully compliant since its inception in 1980.***

1. All fishing vessels have to be thoroughly inspected by the South African Maritime Association (SAMSA) for sea-worthiness, and to ensure compliance with international safety and labour regulations (including the International Labour Organisation (ILO)).
2. Those in command of the fishing vessel (the numbers vary according to the size of the vessel), have to be qualified by passing the requisite SAMSA examinations, which are in line with best international standards.
3. SAMSA inspect the boats and all the personnel on board regularly, determined by the size, structure, and framework of the vessel.
4. Prior to being used for any fishing, the vessel has to be inspected by the National Regulator of Compulsory Specifications (NRCS) to ensure compliance with health regulations. NRCS controls both the compulsory specifications with respect to the vessel itself, and also concerning hygiene of the vessel, and the materials and equipment used, and the health certification of the fishermen. This inspection takes place at least annually.
5. The NRCS inspection must also ensure that the vessel complies both with South African, European Union (EU), the United States of America (USA) Food and Drug Administration (FDA), and Hazard Analysis of Critical Control Points (HACCP) requirements. (The NRCS and its inspection of all facilities in the Fishing Industry, is itself inspected by the regulatory authorities of the EU, USA, and other interested countries).
6. The NRCS HACCP inspections take place at least once a year, if not more often.
7. The HACCP controls instituted by the NRCS as per international best practises, requires anyone handling fish to be able to trace the fish back to the vessel and date of capture. Kaytrad can therefor guarantee the traceability of its products.
8. Prior to entering the fishing sector, the vessel must acquire a fishing permit under the Department of Agriculture, Forestry and Fisheries (DAFF), in compliance with the regulations of that department.
9. To obtain such a permit:-
  - a. The necessary NRCS certificates have to be presented:-
  - b. The issuing of a fishing permit only allows the vessel to operate in the Fishing Industry under certain conditions. These conditions are controlled by the Marine Living Resources Act of 1988 as amended.
  - c. In order to go fishing, the vessel owner must acquire access to a fishing licence for the particular species of fish and their related bycatch.
  - d. The acquisition of the licence can either be obtained through application to the Department of Agriculture, Forestry and Fisheries, whereupon it will be granted for a limited number of years, or it may be rented from a licence-holder with the written approval of the Department.

- e. In order to obtain a licence, the applicant must comply with a whole range of conditions relating to their financial stability; their experience of fishing; their labour related practises, and past record of compliance with the fishing rules and regulations.
  - f. The vessel must have VMS traceability by the Department of Agriculture, Forestry, and Fisheries (DAFF) to ensure that it only fishes in the permitted fishing zones.
10. There are twenty-five different sectors (largely related to different species) within the fishery, and each sector is governed by a separate set of regulations governing the type of fish to be caught; the areas in which it may be caught; the type of quotas that may be used; treatment of by-catch; the discard of inedible fish; the operating times; the landing places, and the storage and processing of the fish.
  11. The regulations are formulated with the aid of the Department of Marine Biology at the University of Cape Town and University of Stellenbosch, and their international research counterparts - The various RFMO's (Regional Fishing Management Organisations) such as the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Tuna Commission (IOTC), the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), and the Convention of the Conservation of the Southern Blue Fin Tuna (CCSBT). The main demersal fisheries are certified by the Marine Stewardship Council (MSC) and Kaytrad has the MSC Chain of Custody approval (MSC-C-50363. MML-C-1149)
  12. South Africa has a number of Marine Protected areas under a very strict control from DAFF patrol vessels aided by the vessel VMS responses.
  13. Catches in each sector are strictly controlled. This effort is either controlled by limiting the number of fishers, and fishing effort, or by limiting the Total Allowable Catch (TAC) for the sector.
  14. On landing their catch at any of the designated landing harbours which are controlled by the Department, the fishing being landed is inspected by compliance officers of the Department, to ensure that rules and regulations have been adhered to with regard to the catch and packing of the fish.
  15. Before the catch is transported to any part of the country, a Fishing Transport Permit must be obtained, quoting the number plate of the vehicle/s to be used.
  16. Before any fish may be sold or exported, it must be thoroughly inspected by the NRCS, who draw random samples, dependent on the size of the catch/export, which are then submitted to internationally approved laboratories for comprehensive analysis of bacterial, metal, and other ingredients. Any fish which fails to pass these tests must be destroyed.
  17. Notwithstanding all of the above, prior to any fish being exported, the NRCS once again inspects the fish and certifies it as compliant with international regulations prior to export.
  18. Prior to exporting any fish, the export department has to apply for an export permit from the Department, nominating both its suppliers and countries of export, and quantities to be exported.
  19. The exporter is required to prove that the fish has been caught by a properly permitted vessel, in compliance with the vessel and fishing permits, and that it has been landed and stored in an appropriate permitted landing site and cold storage.
  20. Furthermore, 12 hours prior to the export, the Department must be advised in writing that the export is about to take place, and on the 15<sup>th</sup> of every month, the export departments have to provide a detailed list of exported species and quantities. It must be submitted in writing timeously to the Department.
  21. Exports to the EU have to be accompanied by Catch Certificates, certified by the EU appointed South African Regulatory Body (DAFF) that the consignment has been caught legitimately in terms of the European Council (IUU) Regulations (EC) 1005/2008 and 1009/2010

# **ACTS AND REGULATIONS**

## **A. LEGISLATION & REGULATIONS FOR THE FISHING INDUSTRY OF SOUTH AFRICA**

**MARINE LIVING RESOURCES ACT 18 of 1998**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS NATIONAL ENVIRONMENTAL MANAGEMENT ACT 1998 (Act No. 107 of 1998)** Regulations for Admission of Guilt Fines: National Environmental Management Waste Act, 2008 (Act No. 59 of 2008)

**NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT (10/2004):** Amendments to the regulations on Bio-prospecting, Access and Benefit-Sharing (GN 447 – G 38809)

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (Act No. 107 of 1998):** Environmental Impact Assessment Regulations, 2014 (G 38282 – R982 – 985)

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (Act No. 59 of 2008)** Waste Classification and Management Regulations

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT:** Protected Areas

**SEA BIRDS AND SEALS PROTECTION ACT**

**PLAN OF ACTION (POA) FOR THE INCIDENTAL CATCH OF SEA BIRDS**

**NATIONAL MARINE POLLUTION ACT (Intervention)**

**DUMPING AT SEA CONTROL ACT**

**INTERNATIONAL PLAN OF ACTION FOR THE CONSERVATION AND MANAGEMENT OF SHARKS (IPOA)**

**INTERNATIONAL PLAN OF ACTION FOR THE MANAGEMENT OF FISHING CAPACITY (IPOA)**

**INTERNATIONAL PLAN OF ACTION TO PREVENT ILLEGAL AND UNREGULATED FISHING (IPOA)**

**E.C. REGULATION 2005 OF 2008** Concerning I.U.U. Fishing.

**MARINE OCCUPATIONAL SAFETY REGULATIONS ACT** of 1994

**MERCHANT SHIPPING ACT** of 1951 (SAFE MANNING REGULATION)

**NATIONAL SMALL BUSINESS ACT** of 1996

**RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT 1992**

**SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) PROTOCOL AND FISHERIES**

**SOUTH AFRICAN MARITIME SAFETY ASSOCIATION (SAMSA) ACT** of 1998

**SEA FISHERIES ACT** of 1988

**SKILLS DEVELOPMENT ACT** of 1998

**OCCUPATIONAL HEALTH AND SAFETY ACT**

**BROAD BASED BLACK ECONOMIC EMPLOYMENT ACT** of 2003

**COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT 130** of 1993

**EMPLOYMENT EQUITY ACT** of 1998

**UNITED NATIONS CONVENTION OF THE LAW OF THE SEA (UNCLOS)**

**UNITED NATIONS FISH STOCKS AGREEMENT (UNFSA) OF 1995**

**B. RELEVANT TRADE LEGISLATION****LABOUR RELATIONS' ACT OF 1955****INTERNATIONAL LABOUR ORGANISATION RULES AND REGULATIONS (ILO)****NATIONAL HEALTH REGULATIONS****MUNICIPAL HEALTH REGULATIONS AND INSPECTIONS****CUSTOMS AND EXCISE AND TAXES****INTERNATIONAL HARMONISED TARIFF CODES** (covering up to 100 Fish Products)**COMPANIES ACT****INCOME TAX ACT**