

FISHERIES ACT 1985

FISHERIES (QUALITY CONTROL OF FISH FOR EXPORT TO THE EUROPEAN UNION) REGULATIONS 2009

IN exercise of the powers conferred by paragraph 61(*ah*) of the Fisheries Act 1985 [Act 317], the Minister makes the following regulations:

Citation

1. These regulations may be cited as the **Fisheries (Quality Control of Fish for Export to the European Union) Regulations 2009**.

Interpretation

2. (1) In these Regulations, “European Union requirements” means any requirement imposed by the European Union relating to fish quality control.

(2) The reference to a “culture system” in these Regulations includes an aquaculture operated on a fishing vessel.

Compliance with European Union requirements

3. Any owner of any culture system and any person engaged in the operation of any activity relating to any culture system, from where fish is supplied for export to the European Union or from where fish is supplied for fish product for export to the European Union, shall comply with the European Union requirements.

Application for fish quality certificate

4. Any owner of any culture system from where fish is supplied for export to the European Union or from where fish is supplied for fish product for export to the European Union shall apply for a fish quality certificate in writing to the Director General.

Issuance of fish quality certificate

5. (1) The Director General may, after considering an application for a fish quality certificate under regulation 4 and upon being satisfied that the owner of such culture system has complied with the European Union requirements, issue a fish quality certificate.

(2) The fish quality certificate issued under this regulation shall be valid for a period of one year from the date of its issuance.

Revocation of fish quality certificate

6. The Director General may at any time revoke the fish quality certificate issued under regulation 5 if the owner of the culture system in respect of which the fish quality certificate is issued breaches any of the European Union requirements.

Due diligence

7. Any owner and any person engaged in the operation of any activity relating to any culture system from where fish is supplied for export to the European Union or from where fish is supplied for fish product for export to the European Union shall exercise

due diligence to ensure that the European Union requirements are complied with at all times.

Power of fisheries officer

8. A fisheries officer of the Fisheries Biosecurity Division at the Department of Fisheries Malaysia and Fisheries Biosecurity Unit of the State Fisheries Department shall have the power to perform quality control as prescribed in the European Union requirements on fish and fish product to be exported to the European Union, in accordance with the Act.

Exporter to obtain supply of fish from owner of culture system with a fish quality certificate

9. Any exporter of fish or fish product to the European Union shall obtain his or its supply of fish from, or his or its supply of fish product from fish supplied by, the owner of a culture system, as the case may be, in respect of which a fish quality certificate has been issued under regulation 5 and is still valid.

Made 26 February 2009

[Prk. ML-11/01/02-5 ; PN(PU2)160/XI]

DATO' MUSTAPA BIN MOHAMED
Minister of Agriculture and Agro-Based Industry

AKTA PERIKANAN 1985

PERATURAN-PERATURAN PERIKANAN (KAWALAN KUALITI IKAN BAGI EKSPORT KE KESATUAN EROPAH) 2009

PADA menjalankan kuasa yang diberikan oleh perenggan 61(*ah*) Akta Perikanan 1985 [*Akta 317*], Menteri membuat peraturan-peraturan yang berikut:

Nama

1. Peraturan-peraturan ini hendaklah dinamakan **Peraturan-Peraturan Perikanan (Kawalan Kualiti Ikan bagi Eksport ke Kesatuan Eropah) 2009**.

Tafsiran

2. (1) Dalam Peraturan-Peraturan ini, “kehendak Kesatuan Eropah” ertinya apa-apa kehendak yang dikenakan oleh Kesatuan Eropah yang berhubungan dengan kawalan kualiti ikan.

(2) Sebutan mengenai “sistem kultur” dalam Peraturan-Peraturan ini termasuk suatu akuakultur yang dikendalikan di dalam vesel penangkapan ikan.

Pematuhan kehendak Kesatuan Eropah

3. Mana-mana pemunya mana-mana sistem kultur dan mana-mana orang yang terlibat dalam pengendalian apa-apa aktiviti yang berhubungan dengan mana-mana sistem kultur, yang darinya ikan dibekalkan bagi eksport ke Kesatuan Eropah atau yang darinya ikan dibekalkan bagi keluaran ikan bagi eksport ke Kesatuan Eropah, hendaklah mematuhi kehendak Kesatuan Eropah.

Permohonan untuk sijil kualiti ikan

4. Mana-mana pemunya mana-mana sistem kultur yang darinya ikan dibekalkan bagi eksport ke Kesatuan Eropah atau yang darinya ikan dibekalkan bagi keluaran ikan bagi eksport ke Kesatuan Eropah hendaklah memohon sijil kualiti ikan daripada Ketua Pengarah secara bertulis.

Pengeluaran sijil kualiti ikan

5. (1) Ketua Pengarah boleh, selepas menimbangkan suatu permohonan untuk suatu sijil kualiti ikan di bawah peraturan 4 dan setelah berpuas hati bahawa pemunya sistem kultur itu telah mematuhi kehendak Kesatuan Eropah, mengeluarkan sijil kualiti ikan.

(2) Sijil kualiti ikan yang dikeluarkan di bawah peraturan ini adalah sah bagi tempoh satu tahun daripada tarikh sijil itu dikeluarkan.

Pembatalan sijil kualiti ikan

6. Ketua Pengarah boleh pada bila-bila masa membatalkan sijil kualiti ikan yang dikeluarkan di bawah peraturan 5 jika pemunya sistem kultur yang berkenaan dengannya sijil kualiti ikan itu dikeluarkan melanggar mana-mana kehendak Kesatuan Eropah.

Usaha wajar

7. Mana-mana pemunya mana-mana sistem kultur dan mana-mana orang yang terlibat dalam pengendalian apa-apa aktiviti yang berhubungan dengan mana-mana sistem kultur yang darinya ikan dibekalkan bagi eksport ke Kesatuan Eropah atau yang

darinya ikan dibekalkan bagi keluaran ikan bagi eksport ke Kesatuan Eropah hendaklah menjalankan usaha yang sewajarnya bagi memastikan kehendak Kesatuan Eropah dipatuhi pada setiap masa.

Kuasa pegawai perikanan

8. Pegawai perikanan Bahagian Biosekuriti Perikanan di Jabatan Perikanan Malaysia dan Unit Biosekuriti Perikanan di Pejabat Perikanan Negeri hendaklah mempunyai kuasa untuk menjalankan kawalan kualiti sebagaimana yang ditetapkan dalam kehendak Kesatuan Eropah ke atas ikan dan keluaran ikan yang hendak dieskport ke Kesatuan Eropah, mengikut Akta.

Pengeksport hendaklah mendapatkan bekalan ikan dari pemunya sistem kultur yang mempunyai sijil kualiti ikan

9. Mana-mana pengeksport ikan atau keluaran ikan ke Kesatuan Eropah hendaklah mendapatkan bekalan ikan dari, atau mendapatkan bekalan keluaran ikan dari ikan yang dibekalkan oleh, pemunya sistem kultur, mengikut mana-mana yang berkenaan, yang berkenaan dengannya sijil kualiti ikan telah dikeluarkan di bawah peraturan 5 dan masih sah.

Dibuat 26 Februari 2009

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DATO' MUSTAPA BIN MOHAMED
Menteri Pertanian dan Industri Asas Tani