
**EXPORT OF LIVE FISH (QUALITY CONTROL,INSPECTION
AND MONITORING) RULES, 2002.**

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**EXPORT OF LIVE FISH (QUALITY CONTROL,INSPECTION
AND MONITORING) RULES, 2002.**

S.O.478(E).Noti.No.F.No.6/4/2000-EI and EP, dated. 1/5/2002, Gaz. of India. Exty., Part.II-Sec.3(ii), No.404, dated 1/5/2002, p.17., In exercise of the powers conferred by Sec. 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules, namely:

1. Short title and commencement. :-

(1) These rules may be called the Export of Live Fish (Quality Control, Inspection and Monitoring) Rules, 2002.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. :-

In these rules, unless the context otherwise requires,

(a) "Act" means the Export (Quality Control and Inspection) Act,

1963 (22 of 1963);

(b) "Agency" means any one of the Export Inspection Agencies established by the Central Government at Mumbai, Kolkata, Kochi, Delhi and Chennai, established under Sec. 7 of the Act for inspection including its sub-offices.

(c) "Council" means the Export Inspection Council established under Section 3 of the Act;

(d) "Consignment" means the quantity of live fish bound for one customer in the country of destination and conveyed by one means of transport only;

(e) "Establishment" means premise, where fishes are handled, fattened and held;

(f) "Live fish" means any of the trade varieties under the head "Fishes" including molluscs and crustaceans meant for human consumption.

3. Basis of compliance. :-

The processor shall ensure that live fish intended for export are handled and held at all stages including transport under proper hygienic conditions so as to meet the health requirements laid down under these rules and that the live fishes conform to the specifications given in the Order by the Central Government under Section 6 of the Act. Further, the Agency shall ensure that the establishments comply with the requirements by regular monitoring of the establishments as per the control measures prescribed in Rule 13. For effective monitoring of the scheme, the Council shall issue necessary instructions in this regard.

4. Rule 4 :-

Live fish for export shall be subjected to the conditions as laid down under statutory restrictions imposed by any State or Central Government with respect to commercial or environmental or conservation measures from time to time.

5. Rule 5 :-

Fishes shall be kept under hygienic conditions.

6. Rule 6 :-

Live fishes during and after landing shall be handled in accordance with the requirements under Annexure I.

7. Rule 7 :-

Live fishes shall be handled hygienically in establishments approved in accordance with Annexure II.

8. Rule 8 :-

The processor shall ensure that the persons responsible for the establishment take all necessary measures so that the specifications are complied with at all stages of processing.

9. Rule 9 :-

Having satisfied itself that the establishments meet the requirements with regard to the nature of the activities they carry out, the Agency on an application by the establishment made to it, shall accord approval to such establishments.

10. Rule 10 :-

The Agency may take the assistance of representatives from Marine Products Export Development Authority (MPEDA) and Seafood Exporters Association of India (SEAI) in the matter of approval of establishment.

11. Rule 11 :-

The Agency shall take necessary measures if the requirements cease to be met.

12. Rule 12 :-

The Council shall draw up a list of the approved establishments each of which shall have an official number assigned by it.

13. Rule 13 :-

The inspection and monitoring of establishment shall be carried out regularly under the responsibility of the Agency which shall at all times have free access to all parts of the establishments and records pertaining to application of this notification in order to ensure compliance with the requirements of this notification.

14. Certification. :-

On request from the processor or exporter, the Agency shall issue Health or Veterinary certificate after satisfying itself that the, live fishes are handled in approved establishments having valid approval number and after satisfying the relevant requirements.

14.1. Rule 14.1 :-

15. Fees. :-

(i) A fee of two thousand rupees shall be paid by the establishment along with application for approval as per clause 9.

(ii) In the case of approval and monitoring system, inspection fee at the rate of 0.2% of the free on board value subject to a minimum of five hundred rupees per consignment shall be paid by the exporter to the Agency.

16. Appeal. :-

(i) Any exporter aggrieved by the refusal of the Agency to issue certificate of approval under ¹[rule 9], may within ten days of receipt of the communication for such a refusal may prefer an appeal to the appellate panel consisting of not less than three but not more than seven persons appointed for the purpose by the Central Government.

(ii) At least two third of the total membership of the panel shall consist of non-officials.

(i) The quorum'of the panel shall be

(a) two in case the panel consists of three members.

(b) three in case the panel consists of four or more members.

(ii) The decision of the panel on such appeal shall be final.

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(iii) The appeal shall be disposed of within thirty days of its receipt.

1. Substituted for the words "clause 9" by Export of Live Fish (Quality Control, Inspection and Monitoring) (Amendment) Rules, 2003.

2. Substituted by Export of Live Fish (Quality Control, Inspection and Monitoring) (Amendment) Rules, 2003.