

Requirements for Refrigerated Cargo Ships Carrying Frozen Fishery Products to the European Union

Notice to ship owners, managers, Masters, Approved Nautical Inspectors, Recognised Organisations and surveyors

This Notice supersedes BMA Information Bulletin No.163

1. Purpose.

- 1.1. This Marine Notice outlines the requirements for refrigerated cargo ships carrying frozen fishery products to countries in the European Union (EU) in order to comply with EU regulations.
- 1.2. This Marine Notice should be read in conjunction with:
 - i. Regulation (EC) [852/2004](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004R0852&qid=1616492954946)¹;
 - ii. Regulation (EC) [853/2004](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004R0853&qid=1616493107995)²;
 - iii. Regulation (EC) [854/2004](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004R0854&qid=1616493118192)³;
 - iv. [BMA Marine Notice 069](#).

2. Application.

- 2.1. This Marine Notice applies to all Bahamian refrigerated cargo ships engaged in the carriage of frozen fishery products to EU countries in packaged form or as breakbulk cargo.
- 2.2. The Marine Notice does **NOT** apply to ships carrying refrigerated containers that were prepacked prior to shipment.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004R0852&qid=1616492954946>

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004R0853&qid=1616493107995>

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004R0854&qid=1616493118192>

3. General.

- 3.1. The EU has a number of regulations addressing the safety of food, with the aim of providing a high level of protection of human life and health for EU citizens.
- 3.2. The regulations require that ships flying the flag of non-EU countries, such as The Bahamas, be inspected by the relevant competent authority and appear on a list of approved establishments for the importation of frozen fishery products to the EU.
- 3.3. The competent authority for ships registered in The Bahamas is the Department of Marine Resources (DMR), based in Nassau. DMR has delegated the inspection of Bahamian ships to Approved Nautical Inspectors (ANIs) appointed by the Bahamas Maritime Authority (BMA).
- 3.4. Ships that have been satisfactorily inspected are assigned an approval number and appear on the list of approved establishments, which for The Bahamas is available online at the following link:

https://webgate.ec.europa.eu/tracesnt/directory/listing/establishment/publication/index#/view/BS/FISHERY_PRODUCTS

- 3.5. Bahamian ships importing frozen fishery products to the EU must have an approval number and appear on the list of approved establishments for The Bahamas **before** loading, shipping or importing frozen fishery products to the EU.
- 3.6. The process for the issue of the approval number normally takes 8 to 12 weeks following the inspection but can take longer.
- 3.7. Companies⁴ operating affected Bahamian ships are respectfully advised that the regulations also apply to processing factories in The Bahamas and their ability to operate and export frozen fish products to the EU may be jeopardised by any failure of Bahamian ships to comply with the regulations.

4. Sanitary inspections.

- 4.1. Companies operating Bahamian ships who wish to apply for approval to carry frozen fishery products to EU countries should, in the first instance, contact a Bahamas ANI with a request to undertake a sanitary inspection. A list of Bahamas ANIs is available at: <http://www.bahamasmaritime.com/bma-inspectors-list/>

⁴ The "Company" is the entity responsible for the management of the ship in accordance with the ISM Code. For ships to which the ISM Code is not applicable, the Company is the Managing Owner in accordance with Section 52 of the Bahamas Merchant Shipping Act

- 4.2. The ANI is to contact the BMA to verify the sanitary inspection anniversary date and receive any special instructions before carrying out the inspection.
- 4.3. It will be necessary for the ANI to enter one or more of the holds during the sanitary inspection. The sanitary inspection cannot take place if the holds are not accessible.
- 4.4. During the sanitary inspection, the ship will be checked for cleanliness in both the holds and the accommodation. The holds will also be checked for condition of such items as bilges, gratings, ventilation, temperature control and lack of infestation by rodent or insect.
- 4.5. It is desirable for one or more of the holds to be chilled to their lowest temperature during the inspection, however if this is not possible the ANI should verify that the refrigeration plant is capable of achieving a temperature of -18° Celsius or lower by verification of the ship's records.
- 4.6. The accommodation and structure outside the holds will be checked for cleanliness and lack of infestation by rodents and insects. The ANI will check storerooms, domestic refrigeration rooms, galleys, mess rooms, hospital and other areas as considered appropriate.
- 4.7. Where minor deficiencies are identified during a sanitary inspection, they are to be rectified within as short a period as possible, or as advised by the BMA. A follow-up inspection will not normally be required for minor deficiencies; however the Company is to advise the BMA when the deficiencies have been rectified and provide appropriate evidence.
- 4.8. Where major deficiencies are identified during a sanitary inspection, such as infestation by rodents or insects, a re-inspection will be required when the deficiencies have been rectified. Should the deficiencies not be rectified within the period specified by the BMA, or a re-inspection not be carried out, the BMA will make a recommendation to the DMR for removal of the ship from the list of approved establishments.
- 4.9. Where major deficiencies are identified during a sanitary inspection, the ship may have its EU approval suspended pending rectification of the deficiencies. This will result in the ship being unable to load, carry or deliver frozen fishery products to the EU. The BMA will advise the Company in such cases.
- 4.10. On satisfactory completion of the sanitary inspection, the ANI will issue a Certificate of Inspection (Freezer Vessel Fishery Products), which is valid for twelve months.

- 4.11. The ANI is to send the sanitary inspection report to the BMA with the Certificate of Inspection (if issued).
- 4.12. The sanitary inspection may be held at the same time as the Bahamas Annual Safety Inspection (ASI), but the Company should be aware that these are two separate inspections and may be charged as such by the ANI, though there may be some cost saving in travel costs etc.
- 4.13. All costs for the ANI attendance are for the Company's account.
- 4.14. If the sanitary inspection is held at the same time as the ASI, the anniversary date for the sanitary inspection will be harmonised with the anniversary date of the ASI.

5. Approval process.

- 5.1. On receipt of the inspection report by the BMA, it will be reviewed for accuracy and completeness. The report will also be used to assess the ship's fitness to carry frozen fishery products. The BMA may contact the ANI for further information or clarification if required.
- 5.2. If the ship is deemed to be in a fit and suitable condition to carry frozen fishery products to the EU, the report and the BMA's recommendation for inclusion of the ship on the list of approved establishments will be sent by the BMA to DMR.
- 5.3. If the ship is deemed unfit to carry frozen fishery products to the EU, the Company and DMR will be advised by the BMA, with a list of measures that need to be taken to remedy the situation.
- 5.4. Where a ship has had an unsatisfactory inspection, has carried out the necessary remedial work and has been re-inspected, the approval process will start again as per Paragraph 5.1 above.
- 5.5. When the DMR receives a satisfactory inspection report from the BMA, it will be reviewed and submitted to the EU. If DMR has any queries, they may contact the BMA for clarification before sending the report to the EU.
- 5.6. The BMA sends inspection reports to the DMR monthly - usually on the last Friday of each month. The DMR also sends the approved applications to the EU monthly - usually in the first week of the following month. For example, a report sent to the BMA before the last Friday in October will be sent to DMR on the last Friday of October and from DMR to the EU in the first week of November.

- 5.7. The EU reviews the applications and sends them to the competent authority of each EU Member State. Each Member State has 14 days to provide any objections to the listing. If no objections are received within the 14-day period, the ship will be added to the list of approved establishments for The Bahamas by the EU. Neither the BMA or DMR can influence the timescales for consultation and addition of a ship to the list of approved establishments.
- 5.8. When the ship has been added to the list of approved establishments, there is a 10-day waiting period until the list becomes valid. The list of approved establishments includes the date it becomes valid as well as the date of publication. The current list of approved establishments for The Bahamas can be found at the link shown in paragraph 3.4 above.
- 5.9. Ships **must not** load, carry or attempt to enter EU ports with frozen fishery products bound for the EU on board, until they are on the list of approved establishments and the list's validity date has passed.

6. Maintaining approval status.

- 6.1. When a ship has been added to the list of approved establishments for The Bahamas, the approval status remains active, subject to the approval conditions being maintained, namely:
 - i. Annual sanitary inspections are to be carried out within the period of 3 months before to 3 months after the anniversary date for the ship. The anniversary date for the sanitary inspection is 12 months after the date of the initial satisfactory sanitary inspection or the anniversary date of the ASI if paragraph 4.13 applies;
 - ii. Any remedial work necessary following an inspection is completed within the period specified by the BMA;
 - iii. Any re-inspection required after remedial work is completed within the period specified by the BMA;
 - iv. The ship does not change flag;
 - v. The ship does not appear on any Illegal, Unreported and Unregulated (IUU) lists issued by Regional Fisheries Management Organisations (RFMOs)⁵.
- 6.2. The Company is responsible for monitoring the inspection dates and ensuring that the annual sanitary inspection is completed within the time period specified.

⁵ See also MN069 IUU Fishing and Authorisation to Conduct Transhipment Operations

- 6.3. Where a ship changes owner or manager, the new Company shall advise the BMA whether or not it intends to maintain approval.
 - 6.3.1. If the Company intends to maintain approval, it should arrange for the next annual sanitary inspection to take place as scheduled.
 - 6.3.2. If the Company does not intend to maintain approval, or does not advise the BMA of its intentions, the BMA will advise the DMR to remove the ship from the list of approved establishments.
- 6.4. On receipt of the annual sanitary inspection report, the BMA will check that the inspection was held within the required period, that the ship is not on any IUU lists and that the inspection was satisfactory. The BMA will then submit the report to the DMR with a recommendation that the ship remains on the list of approved establishments.
- 6.5. Where a ship, which is on the list of approved establishments, has a change of name, the BMA will advise the DMR in order for the list to be updated with the new ship's name.

7. Failure to maintain approval conditions.

- 7.1. Any ship that does not continue to comply with the approval conditions specified in paragraph 6.1 will be removed from the list of approved establishments.
- 7.2. A ship removed from the list of approved establishments for failure to comply with the conditions specified in paragraph 6.1 (i) to (iv) may be resubmitted for approval when compliance has been demonstrated. In such cases, the approval process for the ship will restart with an initial sanitary inspection.
- 7.3. A ship removed from the list of approved establishments for being involved in, or suspected of being involved in, IUU fishing will not be resubmitted for approval until it is proven to the satisfaction of the BMA and DMR that the ship was not involved in IUU activity.
- 7.4. **Any Bahamian ship confirmed as having been involved in IUU fishing will be deleted from The Bahamas register and the owners and master will face prosecution.**

8. Queries

- 8.1. Any queries relating to this Notice may be addressed to tech@bahamasmaritime.com or any BMA office.

Revision History