

9. Act of 28th May, 1959, relating to quality inspection of fish and fish-products, etc.

In Norway we have for many years had regulations regarding the quality control of the various fish products which are marketed and exported. The Act of 28th May, 1959 replaced a number of special Acts, inter alia legislation concerning klippfish, salted herring, fresh and frozen fish, cod-liver-oil, etc.

The Act itself does not contain the control and quality rules which are in practice, but it provides a frame for those types of regulations which can be laid down pursuant to it, and it also draws up the principles according to which control is to be exercised.

By virtue of this Act detailed rules have been laid down regarding the prescribed quality of most of the fish products which are the subject of processing and marketing in Norway. For example, there are special quality and control provisions for fresh and frozen fish and fillets of fish, for klippfish and salted fish, for fresh and frozen herring, for salted herring, for cod-liver-oil, and for canned fish products. The provisions contain rules on the quality of the raw materials, on the processing and the condition of the processing plants, on the storing, packing material, transport, etc. To ensure that these regulations are adhered to an extensive control organization has been established, with special inspectors in the principal senters of production, processing, marketing and export along the Norwegian coast.

The provisions of the Act are as follows:

Section 1.

For the purpose of this Act the terms fish and fish-products shall mean fish, herrings, crustaceans and molluscs and their bi-products, as also products of which fish, herrings, crustaceans and molluscs constitute the only or the major part of the raw material. The regulations

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of the Act apply likewise to fish and fish products of foreign origin.

The King may determine that the entire Act or a part of the Act shall also apply to products of catching and to products of various types of seaweed.

Section 2.

In order to ensure that fish and fish products destined for marketing in this country, or for export out of the country, are handled in the best manner possible and fulfill the demands made for goods of high quality, the King may lay down regulations regarding:

1. The handling, processing, storing and transport of fish and fish products, including the installations and equipment of:
 - a) Fishing-vessels and other means of transport employed in catching and transport of fish and fish products, and
 - b) warehouses and plants employed in processing, keeping, storing and marketing of fish and fish products
2. Prohibition against the use of certain types and sizes of fish, or of products of such fish, entirely or for certain periods, or from certain fishing grounds.
3. Regulation of sale of fish and fish products to processor to prevent deterioration through delayed processing.
4. Requirements to quality and grading of quality, of sorting, marking, packing, naming and weight contents.
5. Inspection of fish and fish products, including prohibition against import, marketing and export of fish and fish products which have not been unpacked or which have not had the packaging marked in accordance with the prescribed manner. By export is also meant delivery direct from the fishing ground to a harbour abroad.
6. Requirement to professional qualifications for the technical leader of a processing plant for fish products.

Section 3.

In order to ensure that packaging material for fish and fish products which are destined for local or foreign markets fulfill the requirements ensuring that the goods may keep its quality and have a suitable and competitive form, the King may lay down special regulations with regard to the manufacturing, marking, use and scrapping of such packaging material.

Section 4.

The King may decide that a person whose profession it is to pack, process, store, keep, transport, import, market or export fish and fish products, or to manufacture or market packaging material for such goods, shall report his activity to the public administration in accordance with special regulations laid down by the Ministry concerned.

The King may decide that activity such as mentioned in the above paragraph only can be carried on by a person who has received approval thereto in accordance with regulations laid down by the King. Such approval cannot be refused if the applicant can prove that his activity fulfills the demands made in accordance with the regulations laid down by section 2, one and six. Approval which has been granted can be rescinded if the activity in question no longer fulfills the said demands. Refusal of such approval or the rescinding of approval once given shall be reasoned and the reasons for refusal or rescinding of approval shall be made known to the parts concerned at the same time as the decision is notified.

Section 5.

Inspection activity in accordance with the regulations of the present Act shall be carried out by the Directorate of Fisheries. The King can decide that the leadership of the inspectionⁱⁿ restricted fields can be transferred to another authority shall be placed in the hands of another organ. The authority in question shall have the same rights as the Directorate of Fisheries has by virtue of section 6. The inspection shall be

carried out by special inspectors, by the police and by the customs authorities.

A person who is to carry out inspection by virtue of the present Act must not be in the service of or receive any kind of compensation from persons or concerns manufacturing or marketing fish and fish products. Neither must he otherwise possess economic interest in such activity.

The appropriate Ministry shall issue detailed instructions regarding inspection activity.

Section 6.

A person who processes fish and fish products which by virtue of the present Act are subject to inspection, is in duty bound to provide such information as may be required by the Directorate of Fisheries so that the Directorate is able to execute the duties enjoined upon it by the present Act. This include information regarding processing, storing, transport and compensation claims regarding the quality of the fish and the fish products. The Directorate of Fisheries can require that the export committee which is appointed by virtue of section 2 of the Provisional Act of 30th June, 1955, regarding the regulation and control of production, marketing and export of fish and fish products, shall furnish information regarding compensation claims concerning the quality of the goods. The Directorate may also require that an organization which has had its by-laws approved by virtue of section 3 of the above mentioned Provisional Act shall produce reports by its representatives to foreign countries if these reports treat compensation claims regarding the quality of the goods, or the reception of goods or given qualities of goods on the market concerned. Any person who has the right to inspect by virtue of the present Act can demand to inspect fishing-vessels and other means of transport employed for catching and transport of fish and fish products. This also applies to plants, buildings, etc., employed for processing, storing, keeping or marketing of fish and fish products of manufacture etc. of packaging material for such goods. He can require samples of the goods delivered free of charge for inspection. Leaders and employees of concerns which by virtue of the present Act can be made the subject of control are in duty bound to render the inspection authorities every^{aid} assistance

and all information required by the said authorities for the execution of their duties pursuant to the Act.

He who is required to furnish information pursuant to the first and second paragraphs of the present section has the right to claim that information regarding secret technical equipment or production method shall only be given to the Director of Fisheries personally or to a person specially authorised by the said Director to receive such information.

Section 7.

Any person who by virtue of his position, or pursuant to the provisions of the present Act, receives information concerning secret matters in connection with the running of a given concern of business, or other information which is not the subject of common knowledge, including information regarding the condition of a given parcel of goods and regarding the results of inspection, must keep secret the information he has received in so far as this is conformant with the duties enjoined upon him by the present Act or by the provisions of other legislation.

He may not use such information in his own business. This applies also if he relinquishes the position and the duties he has had by virtue of the present Act.

Section 8.

The Inspection service appointed by the King may lay a ban on the processing, packaging, transport, import, marketing or export of fish and fish products, and on the production and marketing of packaging material for such goods. A ban of this type can apply to a given parcel of goods which does not fulfill or obviously will not fulfill the conditions prescribed pursuant to the provisions of the present Act. The ban can apply to the entire activity at a given plant or for part of the activity thereof, if the plant in spite of written warning does not follow instructions issued by virtue of the present Act. Orders may be given to scrap, handle in a particular manner or mark parcels of fish and fish products and packaging material for such goods, if this is necessary to ensure that the said ban is adhered to.

If a ban is issued regarding a given parcel of goods, the controlling organ may grant the opportunity to bring the said parcel of goods up to a standard conformant with the demands in force, if this is possible, or to employ the said parcel of goods for another purpose for which the said goods are applicable. A ban which concerns a given plant shall be repealed when the prescribed conditions are fulfilled.

Section 9.

In order to cover expenses in connection with inspection pursuant to the provisions of the present Act the King may prescribe dues to be levied on the goods described in section 1. The King may lay down special rules regarding the levying and collection of such dues. The dues may be collected by lien.

Section 10.

The provisions of the present Act shall not prevent the laying down of rules regarding fish and fish products pursuant to the Public Health Act of 16th May, 1860, or the Act of 19th May, 1933, regarding the control of articles of food, etc. The provisions of these Acts shall, however, only apply in so far as they are not in contravention of provisions laid down by virtue of the present Act.

Section 11.

Anyone who intentionally or by negligence contravenes the provisions of the present Act, or provisions laid down by virtue of the Act, shall be punished by fines. The same applies to aiding and abetting such contraventions.

Provisions laid down pursuant to the present Act may determine that contraventions of the Act shall not necessarily be punishable.

Fish, fish products and packaging material for such goods which do not fulfill the requirements prescribed by virtue of the present Act may by court verdict be confiscated from the culprit or from the person on behalf of whom

he has acted, without a court case being raised or being able to be raised against any person.

Section 12.

The present Act comes into force on 1st December, 1959.

Simultaneously the following Acts are repealed:

1. Act of 15th April, 1916, regarding retail sale by weights of salted herrings.
2. Act of 30th September, 1921, regarding inspection of klippfish and salted fish.
3. Act of 19th June, 1931, regarding barrels for medicinal cod-liver-oil.
4. Act of 24th June, 1932, regarding barrels for salted-herrings, brisling and other fish, also for row and bait-shells.
5. Act of 16th June, 1933, regarding the handling, processing and transport of fish and fish products, etc.
6. Act of 22nd June, 1934, relating to control of herrings.
7. Act of 25th June, 1937, regarding quality control of fish and fish products.
8. Act of 25th June, 1937, relating to packing-cases for herrings and brisling.
9. Act of 25th June, 1937, the preserving and marking of fish products, etc.

Provisions laid down pursuant to the above mentioned Acts shall continue to apply until they are repealed or replaced by provisions laid down by virtue of the present Act.