

## **TERMS OF REFERENCE (TOR)** **Competent Authority – Seafood Regulation**

**Review of the Republic of the Marshall Islands Marine Resource Authority (MIMRA) seafood regulation, standards and operating procedures to enable the Republic of the Marshall Islands to function as the Competent Authority for export of fish and fishery products, and in particularly in enabling exports to the European Union.**

### **A. Background**

The Marshall Island Marine Resource Authority (MIMRA) as a representative authority of the Government of the Republic of the Marshall Islands (RMI) has a long-held interest for having an effective sanitary control for its fishery products entering international trade.

Such sanitary controls will accord RMI the opportunity to have access to the EU market, at the same time open up other trading opportunities with an attraction not only for its own RMI flag vessels but also to foreign flagged vessels, thus providing one of the means of increasing the benefits of the tuna fishery to the domestic economy.<sup>1</sup>.

It is a long-held belief that there is great potential for strengthening the RMI as a regional tuna hub, offering a range of service inputs to the tuna fishery sector, including port infrastructure, processing, distribution and certification services. MIMRA at the same time offers on a frequent basis sanitary certificates for export of consignments to other countries e.g. Thailand, USA, Taiwan, (from RMI flagged vessels as well as, occasionally, foreign flagged vessels). However, RMI urgently needs a strengthened sanitary control system to increase the integrity of its sanitary and certification processes providing the guarantees required.

RMI interests in the export markets and particularly the European Union, will require substantial resource support both financially and technically to develop its Competent Authority. In order to export to the European Union, the third country sanitary control system must be equivalent to the EU sanitary controls. Hence meeting the applicable EU standards to allow seafood export to the EU, through the establishment and operation of a Competent Authority (CA) for fish. Establishment of such sanitary controls can be challenging, expensive and difficult undertaking for any country but at the same time reap great rewards.

Seeing the importance of investment requirements for the establishment of the National Competent Authorities, RMI is now supported under the Pacific Islands Regional Oceanscape Program (PROP).

As part of the project, RMI is developing its National Competent Authority functions within the activity “establishment of seafood safety legislation, standards and operating procedures to enable MIMRA to function as the competent authority for compliance of RMI fishery export products with market state requirements”.

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<sup>1</sup> MICHAEL KONELIOS, MINISTER OF RESOURCES AND DEVELOPMENT, MIMRA ANNUAL REPORT FY2013

## **B. Objectives**

For a country to trade, important elements in terms of regulation, standards and operating protocols must be place. Thus, exporting fish and fishery products is no different. RMI intention to export fish will require development of relevant seafood regulation, standards and operating procedures in aligning with its overall primary legislations. These process and documents once developed will at some point require a review to ensure accuracy and alignment with national and international requirements and standards.

The objective of this undertaking is two-fold;

- (1) Review the current RMI seafood regulation, standards and operating procedures for fish exports put in place by the Marshall Islands Marine Resource Authority (MIMRA). The review will ensure the documents meet and align with national and international regulations, standards and requirements to enable fish exports to the European Union and improvement of the certification requirements to other international market.
- (2) Deliver a Workshop to the Competent Authority and the Fish Business Operators in order to inform the participants of the requirements of the RMI seafood regulations, standards and operating procedures. The purpose is to make sure all parties involved in the process of fish regulation, processing, export and certification fully understand the requirements of importing countries, and its own requirements and particularly those of the European Union. Furthermore, ensuring the fish business operators fully know their roles and responsibilities in the fishery sector, and the Competent Authority to fully understand its roles and responsibilities as in terms of fish inspections and certification

To undertake the work, MIMRA will recruit an expertise namely (the “Consultant”) to undertake the **Scope of Work** described below. The services will require skills and experience in the following areas: food safety compliance and risk management, export and import market access requirement, EU and USFDA and other importing countries market access requirements, well versed in the regulatory requirements of the Competent Authorities for fish and fishery products, understands food safety legislations and has conducted reviews, standards and operating procedures, understands the roles and obligations of the fish business operators and competent authority and the implementation those food safety standards.

## **C. SCOPE OF WORK**

**The “Consultant “is required to undertake the following;**

- 1. Review the RMI Fish Processing and Export Regulation, the Industry Standards and its Operating Procedures (National Control Plan) of the Marshall Islands Marine Resource Authority (MIMRA) proposed Competent Authority for fish and fishery products.**

The Consultant is expected to make the following evaluation and undertaking;

- a) The documents contain the legislative provisions necessary to enable the exports and imports of fish and fishery products.
- b) The documents have adequate provisions for the Competent Authority to exercise its authority and regulatory functions
- c) The document makes adequate provisions to regulate the fish processing establishments
- d) The document contains standards necessary for exports of fish and fish and makes provision for industry to comply
- e) The requirements pertaining to industry obligations and the regulator is adequate and sufficient.
- f) The related documents presented are in harmony with each other and do not conflict, considering the related national laws and regulations.
- g) The document contains the important and necessary market requirements for exports of fish and fishery products and with emphasis on EU sanitary and certification requirements.
- h) The documents are simple to understand and not too complex and onerous for use and implementation by the Competent Authority and the Fish Business Operators.
- i) In this evaluation, the relevant local legislation must also be considered in the context where required.
- j) Present the final report with recommendations

## **2. Workshop for the Competent Authority and the Fish Business Operators**

The Consultant in close collaboration with the Marshall Islands Marine Resource Authority Competent Authority Unit, will undertake to do the following;

- a) Hold a workshop in country (RMI) and present to the Competent Authority (CA) and the Fish Business Operator (FBO) the requirements of the Fish Processing and Fish Export Regulation and the Industry Standards
- b) Present to the Competent Authority officials the requirements of the National Control Plan and the requirements of its operating procedures and role of a CA officer/Fish Safety Inspector.
- c) Present to the CA and the FBO the EU market access requirements.
- d) Make clear to the CA and the FBO the obligations for each party as stipulated in the Regulations and the Standards and related protocol
- e) Provide final report with recommendations for future workshops of similar nature for both the industry and for the CA officials.

## **D. KEY QUALIFICATIONS REQUIREMENTS**

The Consultant(s) sought for this assignment must have the following qualifications:

### **1. Qualification**

- Educational qualifications with minimum, Bachelor of Technology (Food Technology or Food Science, Food law, and related disciplines).
- The Consultant will have English language and writing proficiency.
- Proficient in Excel and Word and can produce high quality written reports
- Qualification in EU and similar market Food Certification and Sanitary Requirements Systems and Processes.

### **2. Required Experience**

- The Consultant will have a proven track record with significant experience in the Pacific Region in the work of the Competent Authority for fish and fishery products and has done similar work in the past.
- Experience in Pacific/Oceania is a must and Pacific highly preferred.
- Has extensive experience of more than 5 years in dealing with the industry on food safety matters, and understanding the requirements of the Competent Authority in relation to export markets and in particular the EU Market requirements.
- The Consultant will have a strong, broad-based technical background and demonstrated understanding of the Food Safety Legislation, Standards and Operating Protocols pertaining to markets access as well as being versed with EU market access requirements.
- The Consultant has provided or participated in trainings, workshops, consultancies and systems reviews of food safety legislations, standards and operational protocols for and of both the Competent Authority and the Industry.

### **3. Desirable Traits**

- Experience in the similar context of work with Competent Authorities and the Fish Business Operators and undertakings will play a key role in the selection criteria.
- Well versed with EU markets access and the similar importing countries requirements.
- Commands an excellent communication skill, and demonstrated project management skills.
- Required language of delivery is in English.

## E. TIME LINE OF ACTIVITY

- A) The table below shows the time-line of activity for assignment 1 and assignment 2
- B) Assignment 1 will be undertaken home base (30 days), inclusive of travel and days in country (RMI) for further discussion if required and present findings.
- C) Assignment 2 will be undertaken in the Marshall Islands (on-site). 1 week inclusive of travel in country.

**Table 1: Milestone Deliverables**

Assignment 1 & 2	Review of the Food Safety Legislations, Standards and Operating Protocols																
Tasks	July				August				September (Assignment 1)				October (Assignment 2)				Nov
Weeks	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1
Advertisements																	
Submission of EOI																	
Application Screening and selection																	
Signing of Contract																	
Delivery of Assignment																	
Presentation to MIMRA (in country) (Assignment 1)																	
Draft Report																	
Final Report Assignment 1 & 2																	

## F. PAYMENT SCHEDULE

Payment schedule will be discussed and finalized with the successful candidate.

## G. REPORTING

### The Consultant is required to:

- a) Report to the Republic of Marshall Islands Marshall Island Marine Resource Authority (RMI MIMRA) in the course of this assignment and for matters related to this assignment, liaise with the MIMRA CA Unit for fish and fish products.
- b) The payment details will be discussed with the successful candidate prior to the signing of the contract .
- c) Assignment 1 will be undertaken home based (30 days), with some days spent in country (Marshall Islands to for further discussions and present the findings), while Assignment 2 will be delivered on site in the Marshall Islands.

- d) The consultant will liaise with the MIMRA CA unit for logistical arrangement on the ground for Assignment 2. Assignment 2 will be delivered 1 week in country for awareness and workshop.
- e) All reports produced by the Consultant should be provided in a soft copy (both PDF format with Adobe Acrobat and with Microsoft Word) together with required hard copies for Marshall Island Marine Resource Authority.
- f) Reports be produced in English.
- g) The Consultant will attend meetings and participate in conference calls with and the RMI MIMRA CA Unit when required.

**H.** The aforementioned work program will proceed on a schedule agreed between Marshall Islands Marine Resource Authority and the Consultant.