

Guidance Notes on Fish Labelling legislation

The Fish Labelling Regulations 2012

Regulations (EC) 104/2000, 2065/2001, 1224/2009 and 404/2011

XXXX 2012

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Summary

Intended audience:	This guidance is intended for fish and shellfish businesses and food businesses that deal in fish and shellfish, including small and medium-sized enterprises.
Regional coverage:	The guidance is applicable to England, Scotland, Wales and Northern Ireland.
Purpose:	These Notes provide guidance on current legislation on labelling fish and shellfish. It replaces similar guidance on the Fish Labelling Regulations 2010, which have been revoked by the Fish Labelling Regulations 2012.
Legal status:	The guidance is intended to provide regulatory and best practice guidance on the fish labelling requirements in the Fish Labelling Regulations 2012 and Regulations (EC) 104/2000, 2065/2001, and consumer information elements of 1224/2009 and 404/2011.
Essential actions to comply with Regulation(s):	<p>Fish and shellfish businesses and food businesses which deal in fish and shellfish should read and apply these guidance notes on legal requirements. These businesses should take account in particular of the new Schedule of Commercial Designations.</p> <p>This guidance also includes best practice guidance, which is clearly indicated as such. Businesses are <u>not</u> required to follow these parts of the guidance.</p>

REVISION HISTORY

This guidance follows the Government [Code of Practice on Guidance](#). If you believe this guidance breaches the Code for any reason, please contact us using the number on the front sheet. If you have any comments on the guidance, again please contact us on the number on the front sheet.

This is the first edition of this guidance, although it is based closely on the guidance on the former Fish Labelling Regulations 2010, which also included guidance on Regulations (EC) 104/2000 and (EC) 2065/2001.

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Regulations referred to in this guidance

These Guidance Notes cover elements from four EU Regulations and separate but parallel domestic Regulations in all four countries of the UK.

Details are below of how the Regulations are referred to in the text, plus the full name and number of the respective Regulations in each UK country. A summary of these Regulations by country is in Annexe 7.

The Regulations which this Guidance specifically covers are:

Fish Labelling Regulations 2012

The Fish Labelling (England) Regulations 2012 (S.I. xxxx/xx)

The Fish Labelling (Scotland) Regulations 2010 (due to be updated)

The Fish Labelling (Wales) Regulations 2010 (due to be updated)

The Fish Labelling (Northern Ireland) Regulations 2010 (due to be updated)

Regulation (EC) 104/2000 – Full name: Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products.

Regulation (EC) 2065/2001 – Full name: Commission Regulation (EC) No 2065/2001 of 22 October 2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards informing consumers about fishery and aquaculture products.

Regulation (EC) 1224/2009 – Full name: Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy

Regulation (EC) 404/2011 – Full name: Commission implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy

Regulations to which this Guidance also makes reference are:

Food Labelling Regulations 1996 (as amended)

Regulation (EC) 178/2002 – Full name: Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

General Food Regulations 2004/ General Food Regulations (Northern Ireland) 2004

Introduction

Intended audience

1. This guidance is aimed at fish and shellfish businesses.

Purpose of guidance

2. The purpose of the Guidance Notes is to help fish and shellfish businesses understand better the fish labelling requirements of the Fish Labelling Regulations 2012 and Regulations (EC) 104/2000 and 2065/2001, consumer information requirements from (EC) 1224/2009, (EU) 404/2011 and to make best practice recommendations.

Legal status of guidance

Combination of regulatory and best practice guidance

3. These Guidance Notes have been produced to provide advice on:
 - the legal requirements of the Fish Labelling Regulations 2012, Regulation (EC) 104/2000 (with regard to fish labelling) and Regulation (EC) 2065/2001 and;
 - best practice in this area.
4. The Guidance Notes on legal requirements cannot cover every situation and you may need to consider the relevant legislation itself to see how it applies in your circumstances. If you do follow the Guidance Notes they will help you to

comply with the law. You are not required to follow advice on best practice, but you may find it helpful. **To distinguish between the two types of information, all advice on best practice is in shaded boxes, with a heading of Best Practice.**

Businesses with specific queries may wish to seek the advice of their local enforcement agency, which will usually be the trading standards/environmental health department of the local authority/ district council.

Overview of requirements

Overview of requirements	Article 4(1) of Regulation 104/2000, Regulation 2065/2001 Article 58 1224/2009 and Article 68 404/2011 Fish Labelling Regulations 2012
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5. Council Regulation 104/2000, which covers the organisation of the fisheries marketing regime, was agreed in December 1999. Article 4 of this Regulation relates to consumer information and labelling provisions. It requires all fishery and aquaculture products included within Chapter 3 of the Customs Code Combined Nomenclature (CN Codes) (See Annexe 1a) which are marketed within the Community, irrespective of their origin, to be appropriately marked or labelled at the point of retail sale to the final consumer with the following information:
- (a) the commercial designation of the species;
 - (b) the production method (caught at sea or inland waters or farmed); and,
 - (c) the catch area.

Chapter 3 of the CN Codes - covers fish from all species but only marketed in certain presentations, as described by Chapter 3, i.e. whether live, fresh, chilled, or frozen; fish fillets and other fish meat, fresh, chilled or frozen; smoked, dried, salted, or brined fish; crustaceans and molluscs.

Fishery products - for the purposes of Council Regulation 104/2000, this covers both products caught at sea or in inland waters.

Aquaculture is defined in Council Regulation 2792/1999 (referred to at Article 4(3) of Regulation 2065/2001) as, simply, the farming of aquatic organisms, including fish, molluscs, crustaceans and aquatic plants.

6. Commission Regulation 2065/2001 (Annexe 6) provides the detailed rules applying the provisions of Council Regulation 104/2000 (Annexe 5) and was agreed in October 2001. It lays down detailed rules for consumer information about certain fishery and aquaculture products through improved marking or labelling at retail level. Certain information is also required for traceability purposes.
7. Council Regulation (EC) 1224/2009 agreed in November 2009 states in Article 58 point 6 that Member States shall ensure that the following information is available to the consumer at retail stage sale:
8. From Article 8 of Regulation (EC) No 2065/2001
 - The commercial designation
 - The scientific name
 - The relevant geographical area

- The production method
 - Whether the fisheries products have been previously frozen or not
9. Commission implementing Regulation (EU) 404/2011 provides the detailed rules applying the provisions of Council Regulation 1224/2009. Article 68 sets out the requirements for providing *information to the consumer*. It states that Member States shall ensure that the requirements shown above are indicated on the label or appropriate mark of the fisheries and aquaculture products offered for retail sale, including imported products.
 10. The scientific name of the species may be provided to the consumer at retail level by means of commercial information such as bill boards or posters.
 11. The requirement to provide information on products that have been previously frozen shall be indicated on the label or appropriate mark using the word 'defrosted'. The absence of this wording at retail level shall be considered as meaning that the products have not been frozen beforehand and later defrosted.
 12. The Fish Labelling Regulations 2012 (which replace and revoke the previous Fish Labelling Regulations 2010)) create offences for breaches of certain Articles in Regulations (EC) 104/2000 and 2065/2001 and include a list of accepted designations for fish species. For the purposes of the Fish Labelling Regulations 2012, "fish" includes "shellfish".
 13. The Fish Labelling Regulations 2012 should be read in the context of the Food Labelling Regulations 1996 (as amended), which give general requirements for food labelling in the UK.

Questions and answers

Scope	Article 4(1) of Regulation 104/2000 Article 68 (EU) 404/2011
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Q.1 What is the scope of Regulation (EC) 104/2000 and 404/2011

A.1 Information on the commercial designation, production method and catch area is required for the categories of fish covered by Article 1(a), (b) and (c) of Council Regulation (EC) 104/2000, reproduced at Annexe I (a) of this Guidance. The Regulation deals with consumer information and apply to retail sale to the final consumer.

Specifically, this information is required for the following broad categories of fish whether sold loose from fish counters or pre-packed at retail sale to the final consumer:

- live fish;
- fresh, chilled and frozen fish;
- fish fillets and other fish meat (whether minced or not);
- dried, salted or brined fish;
- smoked fish (whether hot or cold smoked fish);
- crustaceans (except crustaceans which are both cooked and peeled – see Q.5); and,
- molluscs (except cooked molluscs).

Regulation 404/2011 Article 68 Information to the consumer applies to 'Fisheries and Aquaculture Products' which are defined as any products which fall under Chapter 03 of the combined nomenclature established by Council Regulation (EEC) No 2658/87. Article 68 does not apply to fisheries and aquaculture products that fall under tariff headings 1604 and 1605.

Note: the reader is strongly advised to refer to both Regulation 104/2000 and Annexe I (a) of this Guidance for the full list of products covered under the above categories, i.e. those products marketed in certain presentations, as covered by Chapter 3 of the CN Codes.

Q.2 What does offered for “retail sale to the final consumer” mean and what businesses are covered/excluded from the new requirements?

A.2 A “final consumer” can be considered to have the same meaning as “ultimate consumer” as defined by the Food Labelling Regulations 1996 (as amended). This is therefore any person who does not buy: (i) for the purpose of re-sale; (ii) for the purpose of a catering establishment; and (iii) for the purposes of a manufacturing business.

In the context of these new Regulations, “retail sale to the final consumer” can be considered to have its everyday meaning. That is, products sold direct to the consumer from a retail outlet such as supermarkets, grocers, fishmongers, or market stalls. Sales via e-commerce (i.e. the internet) are also covered.

Fish and fish products sold by catering establishments **are not** caught by the labelling requirements. This includes restaurants, canteens, takeaways¹ etc. where the product is ready for consumption without further preparation.

¹ It may be useful to consider the definition of “catering establishment” provided by the Food Labelling Regulations 1996: “a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or fixed stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer and is ready for consumption without further preparation.”

There may be instances however where businesses, in addition to catering sales, also sell retail products. The exemption for catering sales applies only to products that are ready to eat. Therefore a food stall at a show/conference etc., which is selling Chapter 3 products both to eat at the stall or for home consumption, still needs to give the information on those products not eaten at the stall as this represents a retail sale.

Regardless of whether a business is caught or not by the labelling requirements, traceability information must be passed throughout the marketing chain, i.e. from producer to processor, wholesaler, caterer, etc., up to the point of retail sale, either by the labelling or packaging of the product or on the commercial documents accompanying the food (see Qs.34-36).

Q.3 What types of products are covered by the Fish Labelling Regulations 2012, Regulations (EC) 104/2000 and 2065/2001?

A.3 For the full list of products covered by the labelling requirements, the reader should consult Annexe I (a) of the Guidance where the fishery and aquaculture categories according to Chapter 3 of the Customs Tariff are reproduced. Annexe I (b) lists some of the fish products that fall within, and outside, the scope of the labelling requirements. In summary, Chapter 3 products covered include uncooked (raw) fish to which no other ingredients (including additives, colourings, flavourings) except salt have been added.

Therefore, labelling information is needed for all raw wet fish, headed, de-tailed and gutted fish, fish fillets and fish steaks. Smoked fish, for example smoked mackerel, smoked salmon and kippers also fall within the scope of the Regulations. Additionally, dried fish, salted fish such as salted cod and fish in brine (e.g. anchovies) are subject to the labelling requirements.

In addition, shellfish such as crustaceans (e.g. prawns, crabs, lobsters), and molluscs (e.g. mussels, scallops, oysters) are also subject to the labelling provisions when offered for retail sale in the presentations covered by Chapter 3. These products can be with or without shell, live, fresh, chilled, frozen, dried, salted or in brine. Further, in the case of in-shell crustaceans only, that are cooked by steaming or by boiling in water, (whether or not they are chilled, frozen, dried, salted or in brine) they also fall within the scope of the Regulations (see also Q.5 below). Crustaceans that have been smoked are not Chapter 3 products, and are therefore outside the scope of the Regulations.

Q.4 Is fish that has been sliced/cut, flaked, etc. subject to the labelling requirements?

A.4 Yes. Uncooked fish to which no other ingredients have been added and which has been subject simply to physical processes such as slicing, cutting, flaking, etc. all fall within the scope of the Regulations and need to give the labelling information. Examples include: frozen fish or shellfish blocks not treated in any way; fish steaks (e.g. tuna steak, salmon steak); fish steaks from re-formed fish; minced fish meat; slices of fish (e.g. smoked salmon slices); and fish that has been flaked, cubed/diced (e.g. salmon flakes sold as such to the final consumer to add to recipe dishes, sandwiches, etc.).

Q.5 Are there any circumstances where products are covered but where it is not immediately obvious that they are?

A.5 Fillets of smoked fish (without colourings) are often sold vacuum-packed with just a pat of butter placed on top. If the butter is still separate from the fillet, and hence not an intrinsic ingredient of the fish, then the product can be considered as a Chapter 3 product. Similarly, fish with sauce packaged in a separate sachet remains a Chapter 3 product and also falls within the scope of the Regulations. However, smoked fish with added ingredients (such as colours or pepper) falls outside of Chapter 3 (See Q.6).

Additionally, prawns which are cooked but not peeled, or if peeled and not cooked, are considered to be covered in Chapter 3 and, as such, are subject to the labelling requirements. However, if the prawns are both cooked and peeled, they fall outside of Chapter 3 and are, therefore, outside the scope of the Regulations.

If there are any doubts as to whether a fish product falls within Chapter 3 or 16 (which covers preparations of meat, fish, crustaceans and molluscs which are not covered by the Regulations considered in this guidance), the reader is advised, in the first instance, to contact HM Revenue and Customs for advice and a ruling as they administer the rules on classification of CN Codes (see contact details below).

Q.6 What products fall outside the scope of the Regulations?

A.6 The labelling information in these Regulations is not required for fish that has been further processed, preserved, treated or cooked, for example, bottled or canned fish products such as canned tuna, tinned sardines and canned/pickled cockles. Fish products such as poached salmon fillets/slices also fall outside the scope of the provisions.

In addition, fish to which other ingredients have been added, such that those ingredients become an intrinsic part of the end-product, are composite products and fall outside the scope of the Regulations. These include: coated/battered/breaded fish products such as fish fingers, coated scampi; fish with colouring; surimi-based preparations and/or products such as crabsticks, fish sticks and similar; recipe dishes/fish ready meals, for example: fish pies, fish-in-sauce products, salad niçoise, prawn cocktail.

Other products not subject to the labelling requirements are: smoked fish with additional ingredients other than from the smoking process and salts (e.g. smoked salmon fillet treated with honey and sugar); sandwiches such as prawn sandwiches, salmon sandwiches etc.; and rollmops as they usually contain vinegar/herbs and onions in addition to the usual brine and salt.

Cooked molluscs (e.g. cockle meat out of shell or winkle meat with or without shell) do not come under Chapter 3 products and are also exempt from the requirements.

However, in-shell crustaceans, whether cooked by steaming, or boiling in water, chilled, frozen, dried, salted or brined, require the labelling information but crustaceans which are both cooked and peeled are exempt from the requirements (see Q.5 above).

Q.7 Is the labelling information required if it was known that the end-product would be sold as a non-Chapter 3 product?

A.7 The labelling requirements in these Regulations may not apply in cases where it is definitely known that the Chapter 3 product(s) would be undergoing a change of Customs Code before being offered for retail sale. However, if there is any doubt about the presentation of the end-product (e.g. if the product was diverted from its original intended use and sold, instead, as a Chapter 3 product), then the labelling information needs to be provided. See also Q.34.

Q.8 How do the labelling rules apply to products containing fish?

A.8 The labelling rules in Regulation (EC) 2065/2001 do not apply to compound products containing fish, which will need to follow rules laid down by the Food Labelling Regulations 1996.

Where there is a name laid down by law for a food (such as the commercial designations laid down in the Regulations), this must be used. If there is no name laid down by law, a customary name may be used. If there is no customary name, or it is not used, a descriptive name must be used (see Regulation 6 of the Food Labelling Regulations 1996).

The names used for the ingredients of a product containing fish should be the same names as could be used if those ingredients were being sold as foods by themselves. For example, if the ingredient list of an “ocean pie” mentions “cod” and “haddock”, those names must be capable of being used for the fish ingredients they describe, were those fish sold individually as food (see Regulation 14(1), 14(4), and Schedule 3 of the Food Labelling Regulations 1996).

The generic name, “fish”, can be used in the ingredients list instead of a more specific name to describe any species of fish, but only if the label does not refer to a specific species of fish (see Regulation 14(1), 14(4), and Schedule 3 of the Food Labelling Regulations 1996).

Exemptions	Article 4(1) of Regulation 104/2000 Article 7 of Regulation 2065/2001 Regulation 4 of Fish Labelling Regulations 2012
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Q.9 What is exempt from the Regulations?

A.9 The Regulations do not apply to sales of small quantities of fish sold directly to the final consumer by either fisherman (e.g. from the quayside) or aquaculture producers (e.g. from lakes, ponds, etc.) Article 7 of Regulation (EC) 2065/2001 says that "small quantity" means sales not exceeding 20 Euros.

Commercial Designations	Article 4(1)(a) of Regulation (EC) 104/2000
and established Lists	Article 4(2) of Regulation (EC) 104/2000
	Article 3 of Regulation (EC) 2065/2001
	Regulations 6 & 8 of the Food Labelling Regulations 1996

Q.10 How do Member States designate commercial names?

- A.10 Member States are required to establish commercial designations of species that shall be used when applying Article 4(1)(a) of 104/2000. These commercial designations are also the names prescribed by law (as stated in Regulation 6(1) of the Food Labelling Regulations 1996), which means that they are the commercial names of fish in compound fish products.

The list of agreed commercial designations for use in the UK is published on the Defra/gov.uk website. This list is identical in the England, Scotland, Wales and Northern Ireland domestic legislation.

Q.11 How are fish named?

- A.11 Fish at retail sale must be named using the accepted commercial designations as listed on the Defra/gov.uk website. Therefore, a species of fish listed in column 2 of the Table will have to use the corresponding commercial designation given for that species in column 1. These commercial designations cannot be used for species of fish other than those listed in the Table.

The scientific (Latin) name of the fish species determines the commercial designation or the designated common name. For example, if fish is of the species *Salmo salar*, it must be described as “salmon” or “Atlantic salmon”, whilst *Oncorhynchus*

gorbuscha must be described as “Pink salmon” or “Pacific salmon”. Similarly for shellfish, the corresponding commercial designation for that species must be used to describe the product. For example, all species of *Homarus* would be labelled as “lobster”.

In addition, Regulation 6(3) of the Food Labelling Regulations 1996 provides that a legal name (such as a commercial designation) may be qualified by additional words that make it more precise. This means that businesses may add to the commercial designation to give a fuller description of the species. In the following examples, the commercial designation required by the Regulations is shown in bold:

- *Pandalus borealis* - deepwater **prawn**
- *Lutjanus campechanus* – red **snapper**
- *Merluccius bilinearis* – silver **hake**

Where such “additional words” are used in the name of the food in this way, the description must be accurate, not misleading, and not used in such a way that the fish described might be confused with a different species.

Q.12 Do scientific names have to be given on retail labelling?

A.12 Yes, this is one of the new requirements introduced by the Control Regulation detailed rules (EU) 404/2011 . The scientific name of the species must be indicated on final sale to the consumer. As an alternative to providing the scientific name on the product label or appropriate mark, it may be provided to the consumers at retail level by means of commercial information such as bill boards or posters. (Article 68 2. (EU) 404/2011)

Q.13 Are there any circumstances where the specified commercial designations would not have to be used?

A.13 Yes. In the case of smoked fish, with the exception of salmon, the fish may be called by a customary name that is not necessarily the assigned commercial designation. For example, *Clupea harengus* would ordinarily be described as 'herring' but when smoked is known in the UK by its usual customary name as a 'kipper'.

**Commercial Designations in
the same language**

Article 4(3) of Regulation (EC) 104/2000

Q.14 How must commercial designations established by other Member States for the same species be treated?

A.14 Member States are required to recognise common commercial designations/names laid down by other Member States in the same language for the same species. For the UK, this would relate to commercial designations included in the list published by the Republic of Ireland. The UK will therefore, recognise names established by the Republic of Ireland as alternatives to those on the UK list. Similarly, the Republic of Ireland is required to recognise names contained in the UK list. It is important to note that this applies only where the species in question appears on both the UK and Irish list, and the name on the Irish list is a name in English (the Irish list includes Gaelic names for many species, and these may not be used in the UK). Otherwise, each Member State has their own list of commercial designations which must be used when exporting fish to those Member States.

Contact details for the Food Safety Authority of Ireland (FSA-I) are included on page 26 below.

Changes to the Commercial Designations Lists

Article 3 of Regulation (EC) 104/2000

Article 2 of Regulation (EC) 2065/2001

Regulation 8 of the Food Labelling Regulations 1996

Q.15 Can commercial designations/species not included in the Commercial Designation List be marketed and, if so, how?

A.15 Yes. If a newly commercialised species is to be marketed and is not yet established in the national list(s), an application should be made to the Competent Authority of the Member State. The new procedure for amending the Commercial Designation list will mean that the list can be updated without the need to issue provisional designations.

Q.16 Who is the Competent Authority for the UK?

A.16 Defra is officially the Competent Authority for the UK and has formal responsibility for the granting of new or updated designations. . Requests for new commercial designations, and any related enquiries should be addressed to the contact points given on page 25 below.

Q.17 What rules apply if no definitive commercial designation has been assigned to a new species?

A.17 In such cases, it is still possible to market a new or existing species for which no definitive commercial designation exists provided the name accurately describes the product in accordance with general labelling provisions (regulation 8 of the Food

Labelling Regulations 2010). However, prior to doing so, the producer, operator, etc., must contact Defra, who will liaise with the Food Standards Agency and the Fish Expert Group to assess the merit of the request and if approved, Defra will update the list accordingly..

Q.18 How are additions and/or revisions made to the list?

A.18 Revisions to update the established UK list is made by Defra after receipt of a proposal is assessed in conjunction with the Fish Experts Group. Any changes to the UK list of commercial designations are notified to the Commission by the Competent Authority as required by Article 2(2) of Regulation (EC) No. 2065/2001.

Production Method	Article 4(1)(b) of Regulation (EC) 104/2000 Article 4 of Regulation (EC) 2065/2001
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Q.19 What is the production method?

A.19 The production method relates to the manner in which the fish is 'harvested', that is whether it is caught at sea or in freshwater, or produced by aquaculture as defined above.

Q.20 How should the production method be indicated?

A.20 Regulation (EC) 2065/2001 requires the production method to be given in one of the following ways:

(a) **for products caught at sea or in freshwater:** the terms "caught" or "caught in freshwater";

(b) **for products of aquaculture:** the terms "farmed" or "cultivated" must be used to indicate that the fishery and aquaculture products have been farmed.

Best practice

We **recommend** the term “farmed” is used for fish (e.g. farmed cod), whilst the term “cultivated” is use for shellfish production (e.g. cultivated oysters) where beds are seeded but not fed. In order to ensure accurate and meaningful information is provided to the consumer, we **recommend** that the method of production be given prominently with the commercial designation, e.g. Scottish farmed trout – see also Qs. 31-32).

Omission of Reference to the Production method

Article 4(2) of Regulation (EC) 2065/2001
Regulation 4 of the Fish Labelling Regulations 2012

Q.21 Are there any circumstances where the production method need not be indicated?

A.21 Yes. For fish caught at sea, the terms “caught” or “caught in” do not have to be used if it is obvious from the commercial designation or the catch area that species have been caught at sea, e.g. Sea bass, Pacific sand dab, South Atlantic pilchard, N.E. Atlantic haddock. The reader is also advised to consult Q.26 on more precise catch areas.

However, if there is any doubt about the production method, then omitting the terms “caught” or “caught in” is not permitted.

It is important to note that some commercial names include geographic names, which may not necessarily relate to where the fish is actually caught, e.g. Alaska pollack, Norway lobster or Dublin Bay prawn. Whilst these names can continue to be used, there is still the requirement to indicate the true catch area in the product labelling, e.g. Alaska pollack caught in the Pacific, Dublin Bay prawn caught in N.E. Atlantic.

Catch Area	<p>Article 4(1)(c) of Regulation (EC) 104/2000</p> <p>Article 5 & Annexe of Regulation (EC) 2065/2001</p> <p>Regulation 4 of the Fish Labelling Regulations 2012</p>
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Q.22 What information is required for the catch area?

A.22 By virtue of the wording “shall consist” at Article 5(1) of Regulation 2065/2001, the catch area must be indicated as follows:

- (a) **for products caught at sea**, the origin must be indicated by reference to one (or more, if appropriate) of 12 catch areas based on FAO (Food & Agriculture Organisation of the United Nations) statistical classifications. These are specified in the Annexe to Regulation (EC) 2065/2001, which is reproduced as Annexe 6 to this Guidance.

A map identifying the FAO catch areas is included at Annexe 3 to this Guidance. For example, the catch area, “North-East Atlantic”, needs to be indicated on the label for any fish/shellfish caught in the UK (e.g. North Sea, Irish Sea), Norway, Iceland, Denmark (West Coast) but the catch area for fish caught on the East Coast of Denmark or around the Danish Islands is the “Baltic Sea”. Fish caught in New Zealand waters, needs to make reference to the “Pacific Ocean”. Similarly, salmon caught in Alaska, needs to make reference somewhere on the label to the catch area “Pacific Ocean” or “Pacific”.

- (b) **for products caught in freshwater**, the origin must give a reference to the Member State or third country of origin. For example, for trout caught in the freshwaters of Spain or Norway, reference would need to be made to Spain or Norway respectively. Product labelling may, for example, state “Norwegian trout” or “trout caught in the freshwaters of Norway”, etc.

- (c) **for farmed and cultivated products**, the origin must indicate the Member State or third country in which the product underwent final development. So, for example, if a fish started its life farmed in France and Denmark but was “finally farmed” in Iceland, the labelling is required to state “Farmed Icelandic fish”.

Best practice

Consistency with separate advice on country of origin labelling suggests that all countries should be indicated on the labelling to give consumers accurate and meaningful information on the true place(s) of origin of the fish. So, in the above example, we **recommend** the product be labelled as “Farmed Icelandic fish reared in France and Denmark”. Guidance on country of origin labelling is available at

Q.23 What is meant by Member State and third country of origin?

- A.23 Member State means one of the 27 member countries of the European Union (EU), whilst “third country of origin” means any country that is not a member of the EU.

Q.24 What does “final development” mean for farmed products?

- A.24 The term “final development” should be taken to mean when the fish is finally ‘harvested’ from the water when it reaches its final size (that is, full maturity or any earlier stage to which it is being grown for its intended use for sale to the final consumer).

Q.25 What are the rules for farmed products coming from more than one Member State or third country?

A.25 The Fish Labelling Regulations 2010 (at Regulation 7) permit an indication of the various Member States or third countries for a product that has been farmed in various countries. A different way of presenting this information is given above (see A.22 at (c) above).

Q.26 Can a more precise catch area be given and, if so, how does this information relate to the mandatory indications?

A.26 Article 5(2) of Regulation (EC) 2065/2001 allows operators to indicate a more precise geographic origin in terms of the catch or production area. However, this provision does not negate the requirements of Article 5(1). Therefore, even if a more precise area is given, it is still necessary to indicate one of the twelve FAO marine catch areas or the Member State or third country of production.

So, trout farmed in Scotland could be labelled “(Farmed) Scottish Trout”. However, the Regulation still requires an indication that the product comes from the Member State, i.e. United Kingdom. Similarly, Cornish mackerel would still need to indicate that it has been caught in the N.E. Atlantic. Thus, Article 5(2) does not allow the producer/retailer to avoid the requirement to indicate the FAO catch area for products caught at sea or the production area for farmed products. In the above examples, therefore, an indication that the trout comes from Scotland alone or that the mackerel comes from Cornwall only will not satisfy the requirements of Article 5(1).

However, there is flexibility in that the two pieces of information do not have to appear together. The indication of the UK origin for “Scottish Trout” could be achieved in various ways, e.g. Scottish Trout as the name of the product, with “produce of UK” or “produce of Scotland (UK)” on the back of the label or mention of the UK in the text describing the product. The information could also be given by a notice in the sales area of the product (see also Qs.31-33).

Q.27 How should fish be labelled in terms of catch area if it is not immediately obvious which area it came from?

A.27 All catch areas are covered by the FAO identification system. The reader is advised to consult the map at Annexe 3 if in doubt, as this shows the longitude and latitude of the FAO boundaries for each of the catch areas.

Q.28 Do I quote “caught in the N.E. Atlantic” or “caught in Area 27”?

A.28 The Regulations require that the name of the catch area (i.e., relevant sea, ocean) rather than the numeric designation should be given on labelling. However, it may be sufficient to quote the numeric designation of the catch area for traceability purposes in commercial documents.

Further, it is acceptable to abbreviate catch areas, e.g. North-East Atlantic may be written as N.E. Atlantic, Pacific Ocean may be abbreviated to Pacific etc.

Different and Same Species in Mixed Batches Article 6 of Regulation (EC) 2065/2001

Q.29 How do the Regulations apply to products containing a mixture of different species?

A.29 The Regulations apply in full to each of the species that go to make up the product combination, i.e. the commercial name, production method and catch area for each and every species must be given. For example, a cod/haddock/prawn mixture sold as a seafood mix will require all the information requirements for each of the three species.

Q.30 How do you label a product containing mixtures of fish of the same species with different production methods and/or obtained from different catch/production areas?

A.30 For mixtures of fish of the same species coming from a variety of production methods, the Regulations require that the labelling must state each production method. For example, "a mix of farmed Scottish cod and cod caught in the N.E. Atlantic", in the order in which origin predominates.

For mixtures of fish of the same species coming from different catch areas or fish-farming countries, then the area that is most representative of the batch - in terms of its quantity - must be stated. The term, "batch", is not defined but its everyday and dictionary meaning is that this is more than a single fish, i.e. a group, collection, etc. Processors must decide whether the basis of the origin labelling is representative and so not misleading to the consumer.

Best practice

So, for example, a batch of "farmed salmon steaks" may originate predominantly from Scotland but also from Norway and Chile. It could therefore be described as "farmed salmon steaks originating from Scotland, Norway and Chile". (See also the advice in Annexe 4). **Check Annexe numbering**

As described at A.22(c), consistency with separate advice on country of origin labelling suggests that all countries should be indicated on the labelling to give consumers accurate and meaningful information on the true places of origin of the batch. Where suitable traceability systems are in place that are capable of identifying a single country of origin throughout the supply chain, then we **recommend** that the product is labelled with that

The above labelling requirements apply to both pre-packed and products sold loose at retail.

Further examples of possible different scenarios and associated labelling requirements for mixed batches of cod of the same species, predominantly obtained from the UK, but also from different catch areas, using different production methods are outlined at Annexe 4 to this Guidance.

Flexibility in layout Regulations 35-36 & 38-39 of labelling information

Food Labelling Regulations 1996

Q.31 How should the labelling information be given?

- A.31 There are no specific requirements in Regulations (EC) 104/2000 and (EC) 2065/2001 on how and/or where the information such as the catch area or production method should appear on the label. The producer/retailer therefore has the flexibility to decide where the information is located. To ensure consumers are clearly informed, the information should be presented in a way that is **easy to understand**, **clearly legible**, indelible and given in a conspicuous place so as to be **clearly visible** in accordance with the general requirements of the Food Labelling Regulations 1996 (regulations 35-36 & 38-39).

Best practice

Information on production method and catch area should be provided in a meaningful and accurate manner to consumers. We **recommend** that the information is placed where it is most informative and appropriate to the consumer and producer/retailer alike, consistent with general labelling provisions and any separate Defra advice aimed at improving the clarity of food labels.

It may be that the producer, retailer, etc., wishes to keep the product title as simple as possible, with information on origin given in a separate panel elsewhere on the product. Guidance on the sort of issues which need to be considered in designing the layout of a label has been provided by the Institute of Grocery Distribution in *Packaging legibility: recommendations for improvements* (ISBN: 1 904231 36 5), downloadable from <http://www.igd.org.uk/index.asp?id=1&fid=1&sid=4&tid=54&cid=243>.

Q.32 How should products sold loose (non-prepacked) be labelled (e.g. at supermarket fish counters, fishmongers, etc.)?

A.32 The manner of marking for food which is not pre-packed and sold loose should be consistent with general labelling requirements (regulation 36 of the Food Labelling Regulations 1996). The name of the food should be provided on a label attached to the food or a ticket or notice, which should be "readily discernible by an intending purchaser at the place where he chooses that food".

With regard to the catch area, it is possible for an in-store notice, wall chart/poster, etc., which is "readily discernible" by the purchaser at point of sale near the fish counter to carry this information. For example, "all our Icelandic fish is caught in the North-East Atlantic" or for fish caught in the North Sea, off the coast of Cornwall, etc. "all our fish is caught in the North-East Atlantic".

As an alternative to providing the scientific name on the product label or appropriate mark, it may be provided to the consumers at retail level by means of commercial information such as bill boards or posters. (Article 68 2. (EU) 404/2011)

Q.33 Should fish/shellfish sold in catering establishments such as restaurants be labelled in accordance with the Regulations?

A.33 No, not usually. As stated in A.2 above, products sold by caterers or catering outlets are outside the scope of the Regulations. Generally, in catering establishments most fish and shellfish products are sold as prepared composite products e.g. prawn cocktail, coated fish. Provided the product is ready to eat without the need for further preparation, it is regarded as a catering sale and, therefore, outside the scope of the rules. See also comments at A.2 above.

Traceability

Article 8 of Regulation (EC) 2065/2001

Article 18 of Regulation (EC) 178/2002

Q.34 What are the traceability requirements?

A.34 Information on the commercial designation, production method, and catch area, including the scientific name of the species, must be available at each stage of marketing of the species.

This 'traceability information' applies universally to all fish and shellfish sold in a presentation covered by Chapter 3 of the CN Codes and includes the production and intermediate marketing stages (i.e. from producer to processor, wholesaler, retailer, caterer, etc.) except in certain circumstances – see A.7. The requirements are in addition to the general traceability requirements in Article 18 of Regulation (EC) 178/2002, on which guidance is given in the [Food Standards Agency's Guidance on this Regulation](#).

Q.35 How does this information need to be provided?

A.35 This information can be given either by:

- (i) labelling or on packaging of the product; or,
- (ii) commercial documents accompanying products such as the 'sales note', invoice, bill of lading, etc.

It is generally understood that commercial documentation rather than labelling of the product *per se* is the usual means of providing traceability information.

Q.36 What is meant by “each stage of marketing”?

A.36 This is considered to be all stages of the distribution and wholesale chain - where the ownership of the produce changes hands - from when the fish is first caught/landed (or harvested in the case of farmed products) up to but not including the point of retail sale. Retail sale need not be considered a stage of marketing in this context, as these sales are specifically covered by the consumer labelling requirements.

Controls	Article 9 of Regulation (EC) 2065/2001	Regulation 9 of Fish Labelling Regulations 2010
	Regulation 6 of the General Food Regulations 2004/ General Food	Regulations (Northern Ireland) 2004

Q.37 What controls are in place for checking traceability?

A.37 Traceability checks will normally be carried out at the point of sale by food authorities (of each local authority/district council) through Trading Standards Officers or Environmental Health officers when checking the required information.

In addition, the Marine Management Organisation and Marine Scotland compliance officers may also check traceability information in carrying out their responsibility for fish marketing for products at landing, in the wholesale chain and in transit up to the point of retail sale, as they already require information on the species' geographic origin for the 'Sales Note' as detailed in the fisheries control regulations.

Enforcement provisions

Regulation 5, 6 and 7 of the Fish Labelling Regulations 2012

Q.38 What are the offences and penalties under national legislation?

A.38

The Fish Labelling (England) Regulations will be enforced using a compliance notice regime. A compliance notice will be issued by enforcement officers if they have reasonable grounds for believing that an operator has not complied with, or is not likely to comply with a consumer information requirement or a traceability requirement.

An offence is committed if a person has been served with a compliance notice and fails to comply with that notice; or fails to keep for three years from the date of transaction, the information referred to in Article 58(4) of regulation 1224/2009 as read with Article 67(4) of Regulation 404/2011

Review

The Guidance will be reviewed two years from the date of publication.

Further information on other specific aspects relating to CN Codes and traceability may be obtained from the HM Revenue and Customs Tariff Classification Helpline (01702 366 077).

ANNEXE 1A: Fishery and Aquaculture Categories

(according to Chapter 3 of Customs Tariff, reproduced from Articles 1(a), (b) and (c) of Council Regulation 104/2000):

CN Code		Description of goods
(a)	0301	Live fish
	0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304
	0303	Fish, frozen excluding fish fillets and other fish meat of heading No 0304
	0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen
(b)	0305	Fish dried, salted or in brine; smoked fish whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption

(c)	0306	Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of fish, fit for human consumption
	0307	Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine; flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption

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Annexe 1B: Examples of fish products included or excluded from the labelling requirements

(see also Qs.1-6)

Fish Products Included (Chapter 3 Products)	Fish Products Excluded (Non-Chapter 3 Products)
Products to which <u>no</u> other ingredients, (including additives, colourings and flavourings) except salt, have been added	Products with added ingredients or which have been further processed, preserved, treated or cooked
Smoked fish (cold or hot smoked by natural processes) with only salt, e.g. <ul style="list-style-type: none"> - smoked salmon - smoked herring (e.g. Buckling), - kippers, - smoked haddock 	All smoked fish with colours, flavours etc., present as additional ingredients other than from smoking process and salts, e.g. <ul style="list-style-type: none"> - smoked salmon with honey and sugar - smoked mackerel with colourings and other ingredients (e.g. peppered smoked mackerel) Poached salmon, poached salmon fillets / slices

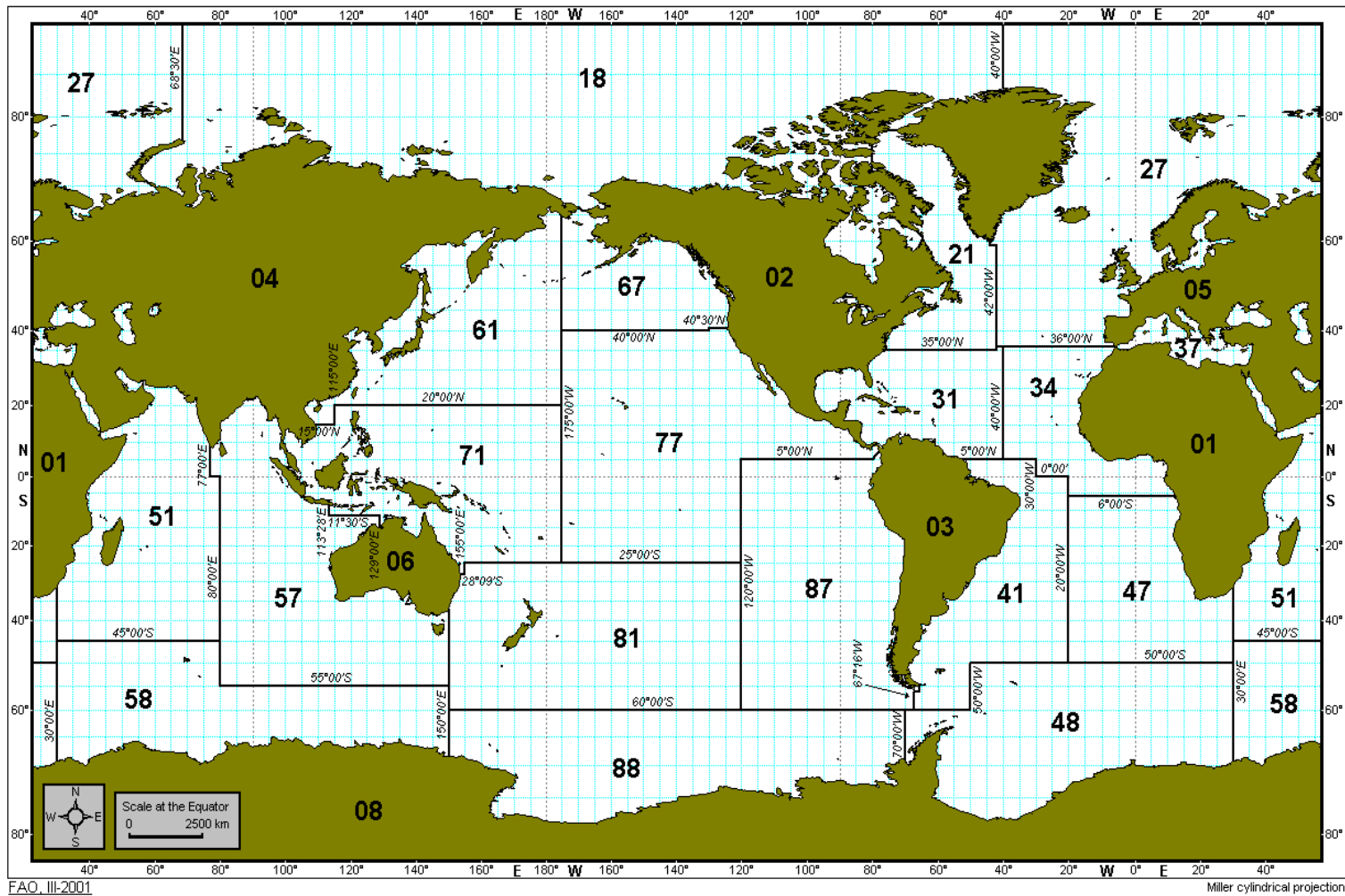
Fish Products Included (Chapter 3 Products)	Fish Products Excluded (Non-Chapter 3 Products)
Surimi (i.e., processed fish protein)	Surimi-based preparations and/or products such as crabsticks, fishsticks and similar
Crustaceans, whether in shell or not, e.g. prawns, crabs, lobsters Cooked in-shell crustaceans Cooked, unpeeled crustaceans Peeled, uncooked crustaceans	Crustaceans which are <u>both</u> cooked and peeled, e.g. cooked and peeled prawns
Molluscs, whether in shell or not, e.g. mussels, scallops, oysters	Cooked molluscs, e.g. cockle meat out of shell, winkle meat with or without shell
Fish with butter and/or sauce packaged <u>separately</u>	Fish where butter and/or sauce is added directly on to the fish is considered a further process and, therefore, is not a Chapter 3 product
Dried fish	

Fish Products Included (Chapter 3 Products)	Fish Products Excluded (Non-Chapter 3 Products)
Salted fish, e.g. salted cod	
Fish in brine, e.g. anchovies	
Fish subject to physical processes such as cutting, slicing, flaking, e.g. - frozen fish blocks or shellfish not treated in any way - fish steaks (tuna steak) - minced fish meat - slices of fish (smoked salmon slices) flaked, cubed/diced fish to add to recipes for home consumption	
	Composite products where the fish is an intrinsic component of the end-product: - coated, battered, breaded fish products, e.g. fish fingers, coated scampi
	Bottled or canned fish products, e.g. canned tuna, tinned sardines, canned/pickled cockles
	Sandwiches, e.g. prawn sandwiches,

Fish Products Included (Chapter 3 Products)	Fish Products Excluded (Non-Chapter 3 Products)
	salmon sandwiches
	Fish ready meals and recipe dishes, e.g. fish pies, fish-in-sauce products, prawn cocktail, smoked salmon salad, fish dinner sold as a composite product even if it contains raw and/or smoked fish

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ANNEXE 3: FAO Map of the Major Fishing Areas of the World



Source: FAO Fishery Statistics, Map of Major Fishing Areas for Statistical Purpose

ANNEXE 4: Mixed Batches of Fish of Same Species

Note: A number of scenarios can be envisaged. Using, for example, a mixture of fish of the same species such as Cod obtained predominantly from the UK either caught (catch area being the North-East Atlantic) or farmed but same species with Cod from other areas present also (e.g. Norway, Baltic Sea). The following scenarios with their labelling requirements are outlined:

			Example of compliant labelling information
Cod	Caught	NE Atlantic	Cod NE Atlantic
Cod	Caught	Mixture of the NE Atlantic and the Baltic Sea	Cod NE Atlantic and another area (we recommend also referring to the Baltic Sea).
Cod	Mixture of caught and farmed – majority of fish UK farmed	Mixture of UK (farmed) and the NE Atlantic	Cod Farmed in the UK and caught cod (we recommend also referring to the NE Atlantic)
Cod	Mixture of caught and Farmed – majority of fish UK farmed	Mixture of UK, Norway (farmed – last development in the UK), the NE Atlantic and the Baltic Sea	Cod Farmed in the UK and caught and farmed in other areas (but we recommend that Norway, NE Atlantic and the Baltic Sea be referred to)

1.

ANNEXE 5: Excerpt from Council Regulation (EC) 104/2000

of 17 December 1999

on the common organisation of the markets in fishery and aquaculture products

Chapter 2

Consumer Information

Article 4

1. Without prejudice to the provisions of Directive 79/112², the products referred to in Article 1(a), (b) and (c) may not be offered for retail sale to the final consumer, irrespective of the marketing method, unless appropriate marking or labelling indicates:

(a) the commercial designation of the species;

(b) the production method (caught at sea or in inland waters or farmed);

(c) the catch area.

These requirements shall not however apply to small quantities of products disposed of directly to consumers by either fishermen or aquaculture producers.

² Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member states relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer (OJ L33, 8.2.1979 p.1). Directive as last amended by Directive 97/4/EC of the European Parliament and of the Council (OJ L43, 14.2.1997 p.21)

1.

2. For the purposes of paragraph 1(a), the Member States shall draw up and publish a list of the commercial designations accepted in their territory, for at least all the species listed in Annexes I to IV of this Regulation, not later than 1 January 2002. The list shall indicate the scientific name for each species, its name in the official language or languages of the Member State and, where applicable, any other name or names accepted or permitted locally or regionally.

3. Member States shall notify the Commission of the list of commercial designations referred to in paragraph 2 at least two months in advance of the date referred to in paragraph 2. Member States shall recognise designations listed by other Member States for the same species in the same language.

4. Detailed rules for applying this article shall, where necessary, be adopted in accordance with the procedure laid down in article 38(2).

1.

Annexe 6: Commission regulation (EC) no 2065/2001

Of 22 October 2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards informing consumers about fishery and aquaculture products

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products¹ as amended by Commission Regulation (EC) No 939/2001², and in particular Article 4(4) thereof,

Whereas:

1. Article 4 of Regulation (EC) No 104/2000 provides that certain fishery products may be offered for retail sale only on condition that a number of requirements regarding consumer information are met. The scope of that obligation should be specified.
2. It should be possible for the lists of commercial designations accepted in the territory of the Member States to be changed in the light of market requirements.

¹ OJ L 17, 21.1.2000, p.22

² OJ L 132, 15.5.2001, p.10

- 1.
3. The requirements governing consumer information, in particular as regards the commercial designation and method of production of a species, and the area in which it is caught, should be specified.
4. Small quantities of products may only be exempt from the obligation regarding marking or labelling if they comply with a number of requirements, which should be defined.
5. The scope of the information to be passed on throughout the marketing chain should be specified.
6. Provision should be made for the Member States to establish arrangements for checking the traceability of products covered by this Regulation.
7. The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

CHAPTER I

Scope

Article 1

Without prejudice to the provisions applicable pursuant to Directive 2000/13/EC of the European Parliament and of the Council³, this Regulation shall apply to the fishery and aquaculture products included on the lists and covered by the presentations falling within Chapter 3 of the Combined Nomenclature which are marketed within the Community, irrespective of their origin, including products that are prepackaged.

³ OJ L 109, 6.5.2000, p.29

1.

CHAPTER II

Changes to lists of commercial designations and requirements governing consumer information

Article 2

1. Any species not included on the list of commercial designations accepted by a Member State may be marketed under a provisional commercial designation laid down by the competent authority of the Member State. A definitive commercial designation included on the list of accepted designations shall be laid down by the Member State within five months of the date on which the species in question is given the provisional commercial designation.
2. Any changes to the list of commercial designations accepted by a Member State shall be notified forthwith to the Commission, which shall inform the other Member States thereof.

Article 3

For the purposes of applying Article 4(1)(a) of Regulation (EC) No 104/2000, the commercial designation of a species shall be as established in each Member State in accordance with Article 4(2) of that Regulation.

Operators may also indicate the scientific name of the species concerned upon sale to the final consumer.

Article 4

1. The reference to the production method in accordance with Article 4(1)(b) of Regulation (EC) No 104/2000 shall consist of one of the following expressions, according to

1.

whether the product in question was caught, at sea or in freshwater, or resulted from aquaculture:

- In Spanish: “pescado” or “pescado en aguas dulces” or “criado”,
- in Danish: “fanget” or “fanget i ferskvand” or “opdrættet” ,
- in German: “gefangen” or “aus Binnenfischerei” or “aus Aquakultur” or “gezüchtet”,
- in Greek: [Greek text]
- in English: “caught” or “caught in freshwater” or “farmed” or “cultivated”,
- in French: “pêché” or “pêché en eaux douces” or “élevé”,
- in Italian: “prodotto della pesca” or “prodotto della pesca in acque dolci” or “prodotto di acquacoltura”,
- in Dutch: “gevangen” or “gevangen in zoet water” or “aquacultuurproduct”,
- in Portuguese: “capturado” or “capturado em água doce” or “de aquicultura”,
- in Finnish: “pyydetty” or “pyydetty makeasta vedestä” or “viljelty”,
- in Swedish: “fiskad” or “fiskad i sötvatten” or “odlad”.

2. In the case of species caught at sea, Member States may authorise the omission of the reference to the production method upon sale to the final consumer provided that it is obvious from the commercial designation and the catch area that they are species caught at sea. Such authorisation may not be granted if there is doubt as to the production method.

1.

3. For the purposes of indicating the production method, farmed products shall be those resulting from aquaculture as described in paragraph 2.2(a) of Annex III to Council Regulation (EC) No 2792/1999⁴.

Article 5

1. The indication of the catch area in accordance with Article 4(1)(c) of Regulation (EC) No 104/2000 shall consist of the following:

- a) in the case of products caught at sea, a reference to one of the areas mentioned in the Annex hereto;
- b) in the case of products caught in freshwater, a reference to the Member State or third country of origin of the product;
- c) in the case of farmed products, a reference to the Member State or third country in which the product undergoes the final development stage. Where the product is farmed in more than one Member State or third country, the Member State in which it is sold to the final consumer may at the time of such sale authorise the various Member States or third countries in which it is farmed to be indicated.

2. Operators may indicate a more precise catch area.

Article 6

- 1. Where a combination of different species is offered for sale, the indications referred to in Article 4(1) of Regulation (EC) No 104/2000 shall be provided for each species.
- 2. Where a combination is offered for sale consisting of the same species but derived from a variety of production methods, the method for each batch must be indicated. Where a combination is offered for sale consisting of the same species but derived from a variety of catch areas or fishfarming countries, at least the area of the batch which is most representative in terms of quantity must be stated, together with an indication that the products also come from different catch or fishfarming areas.

Article 7

⁴ OJ L 337, 30.12.1999, p.10

1.

For the purposes of applying Article 4(1) of Regulation (EC) No 104/ 2000, each Member State shall determine the small quantities of products sold directly to consumers, provided that these do not exceed the value of EUR 20 for each purchase. The source of these small quantities may only be the seller's own business.

CHAPTER III

Traceability and control

Article 8

The information required concerning the commercial designation, the production method and the catch area shall be available at each stage of marketing of the species concerned. This information together with the scientific name of the species concerned shall be provided by means of the labelling or packaging of the product, or by means of a commercial document accompanying the goods, including the invoice.

Article 9

1. The Member States shall establish arrangements for checking the application of Article 8.
2. The Member States shall notify the Commission, as soon as they are adopted and by 31 March 2002 at the latest, of the measures taken under paragraph 1. The Member States shall notify the Commission by 31 March 2002 at the latest of the existing measures which comply with the requirements of Article 8.

1.

CHAPTER IV

Final provision

Article 10

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 2002. However, products placed on the market or labelled prior to that date and packages which do not comply with this Regulation may be marketed until stocks have been used up.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 October 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEXE

Catch area

Identification of the area ⁽¹⁾

1.

North-West Atlantic	FAO area 21
North-East Atlantic ⁽²⁾	FAO area 27
Baltic Sea	FAO area 27. III d
Central-Western Atlantic	FAO area 31
Central-Eastern Atlantic	FAO area 34
South-West Atlantic	FAO area 41
South-East Atlantic	FAO area 47
Mediterranean Sea	FAO areas 37.1, 37.2 and 37.3
Black Sea	FAO area 37.4
Indian Ocean	FAO areas 51 and 57
Pacific Ocean	FAO areas 61, 67, 71, 77, 81 and 87
Antarctic	FAO areas 48, 58 and 88

(1) FAO Yearbook. Fishery statistics.
Catches. Vol. 86/1. 2000.

(2) Excluding the Baltic Sea.

Annexe 7: Summary of regulations by UK country

These Guidance Notes cover Four EC Regulations and separate but parallel regulations in all four countries of the UK.

A summary of the Regulations referred to is below. A list of the UK Regulations, showing how they are referred to in this guidance, is at the front of the document.

1.

Council Regulation (EC) No. 104/2000

This Regulation is on the common organisation of the markets in fishery and aquaculture products. It covers:

- Marketing standards and consumer information
- Condition of grant or and withdrawal or recognition of producer organisations
- Extension of rules to non-members
- Production and marketing planning
- Interbranch organisations and agreements
- Prices and Intervention
- Trade with third countries

Commission Regulation (EC) No. 2065/2001

This Regulation lays down detailed rules for the application of Council Regulation (EC) No. 104/2000 as regards informing consumers about fishery and aquaculture products. It covers:

- Changes to lists of commercial designations and requirements governing consumer information
- Traceability and control

Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy. It covers:

- Traceability
- Labelling and information requirements for lots

Commission Implementing Regulation (EC) 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy. It covers:

- Information on lots
- Information to the consumer
- Labelling requirements at the point of retail

England

The Fish Labelling (England) Regulations 2012 (S.I. xxxx/xx)

Scotland

The Fish Labelling (Scotland) Regulations (xxxx/xx)

Wales

The Fish Labelling (Wales) Regulations 2010 (xxxx/xx)

Northern Ireland

The Fish Labelling Regulations (Northern Ireland) 2010 (xxxx/xx)

1.

These UK Regulations cover, for their respective administrations:

- Offences relating to consumer information
- Omission of reference to the production method
- Small quantities of products
- Additional information relating to the catch area
- Provisional commercial designations
- Enforcement and
- Application of various provisions of the Food Safety Act 1990/ the Food Safety (Northern Ireland) Order 1991.