

2003 No. 461

FOOD, ENGLAND

The Fish Labelling (England) Regulations 2003

Made - - - - - *26th February 2003*

Laid before Parliament *6th March 2003*

Coming into force - - *28th March 2003*

The Secretary of State, in exercise of the powers conferred on him by sections 16(1)(e) and (f), 17(2), 26(3) and 48(1) of the Food Safety Act 1990^(a) and of all other powers enabling him in that behalf, having had regard in accordance with section 48(4A) of that Act to advice given by the Food Standards Agency and after consultation both as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council^(b) and in accordance with section 48(4) and (4B) of the said Act, hereby makes the following Regulations:

Citation, commencement and extent

1. These Regulations may be cited as the Fish Labelling (England) Regulations 2003, shall come into force on 28th March 2003 and shall extend to England only.

Interpretation

2. In these Regulations—

“Regulation 104/2000” means Council Regulation (EC) No. 104/2000 on the common organisation of the markets in fishery and aquaculture products^(c);

“Regulation 2065/2001” means Commission Regulation (EC) No. 2065/2001 laying down detailed rules for the application of Council Regulation (EC) No. 104/2000 as regards informing consumers about fishery and aquaculture products^(d);

and any expressions used in these Regulations and in Regulation 104/2000 or Regulation 2065/2001 have the same meaning as in those Regulations.

(a) 1990 c. 16. Functions formerly exercisable by “the Ministers” are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999 (1999 c. 28), and paragraphs 12 and 21 of that Schedule amend sections 17 and 48 of the 1990 Act. Functions of “the Ministers” so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by S.I. 1999/672 and those functions so far as exercisable in relation to Scotland were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1999 c. 46). Regulation 13(4) of S.I. 2000/656 expressly authorises the Secretary of State to revoke and amend existing Regulations made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the Food Safety Act 1990. Section 26(3) of the 1990 Act was amended by section 40(4) of, and Schedule 6 to, the Food Standards Act 1999.

(b) OJ No. L31, 1.2.2002, p. 1; 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.

(c) OJ No. L17, 21.1.2000, p. 22.

(d) OJ No. L278, 23.10.2001, p. 6.

Offences relating to consumer information

3.—(1) Any person who, in contravention of Article 4.1 of Regulation 104/2000 (consumer information) as read with Regulation 2065/2001, offers for retail sale to the final consumer any of the products to which that Article applies shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Any person who fails to comply with Article 8 of Regulation 2065/2001 (traceability and control) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Lists of commercial designations

4.—(1) As regards England, the list of commercial designations which the United Kingdom is required to draw up and publish under Article 4(2) of Regulation 104/2000 is that set out in the Schedule to these Regulations, and accordingly, the commercial designations set out in that Schedule are names prescribed by law for the purposes of regulations 6(1), 7 and 8(a) of the Food Labelling Regulations 1996(a).

(2) In relation to a species included both in the Schedule to these Regulations and in a list published in English under Article 4(2) of Regulation 104/2000 having effect in another Member State or in another part of the United Kingdom, the commercial designation for that species in the list having effect in that other Member State or part of the United Kingdom shall be an alternative to the commercial designation for that species set out in the Schedule to these Regulations.

Omission of reference to the production method

5. In the case described in Article 4.2 of Regulation 2065/2001 (situation where it is obvious from commercial designation and catch area that the species is caught at sea) it shall not be a contravention of Article 4.1 of Regulation 104/2000 to offer for retail sale to the final consumer a fisheries product to which that Article applies without the product being marked or labelled with the production method.

Small quantities of products

6.—(1) For the purposes of Article 4(1) of Regulation 104/2000 as read with Article 7 of Regulation 2065/2001, the small quantity of products which may be sold directly to consumers shall be products to a value not exceeding 20 Euro for each purchase.

(2) For the purposes of this regulation, the reference to 20 Euro shall be taken to be a reference to the sterling equivalent of that number of Euro, converted by reference to the rate of conversion published annually on the first working day of the preceding September in the C series of the Official Journal of the European Communities or, if no rate is published in it on that day, the first rate published in it thereafter.

Additional information relating to the catch area

7. The indication of catch area required by Article 4(1)(c) of Regulation 104/2000 may, where the circumstances described in Article 5(1)(c) of Regulation 2065/2001 apply, indicate the various Member States or third countries in which the product was farmed.

Provisional commercial designations

8.—(1) For the purposes of Article 2 of Regulation 2065/2001 (provisional commercial designations), the Food Standards Agency (“the Agency”) shall be the competent authority.

(2) The Agency shall draw up and publish a list of provisional commercial designations laid down pursuant to the said Article 2.

Enforcement

9. Each food authority shall enforce and execute these Regulations in its area.

(a) S.I. 1996/1499; regulation 6(4) (which defines “prescribed by law” for the purposes of regulations 6(1), 7 and 8(a)) was inserted by S.I. 1998/1398.

Application of various provisions of the Act

10. The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part of the Act shall be construed as a reference to these Regulations and to those provisions of Regulation 104/2000 and Regulation 2065/2001 to which these Regulations relate—

- (a) section 3 (presumption that food is intended for human consumption);
- (b) section 20 (offences due to fault of another person);
- (c) section 21 (defence of due diligence) as it applies for the purposes of section 8, 14 or 15;
- (d) section 30(8) (which relates to documentary evidence);
- (e) section 32 of the Act (powers of entry);
- (f) section 33(1) (obstruction etc of officers);
- (g) section 33(2) with the modification that the reference to “any such requirement as is mentioned in subsection (1) (b) above” shall be deemed to be a reference to any such requirement as is mentioned in that subsection as applied by sub-paragraph (f) above;
- (h) section 35(1) (punishment of offences) insofar as it relates to offences under section 33(1) as applied by sub-paragraph (f) above;
- (i) section 35(2) and (3) insofar as it relates to offences under section 33(2) as applied by sub-paragraph (g) above;
- (j) section 36 (offences by bodies corporate);
- (k) section 44 (protection of officers acting in good faith).

Revocation

11. Paragraph 1 of Schedule 1 to the Food Labelling Regulations 1996 (prescribed names of fish and shellfish) is revoked insofar as it extends to England.

Signed by authority of the Secretary of State for Health

26th February 2003

Hazel Blears
Parliamentary Under Secretary of State,
Department of Health

COMMERCIAL DESIGNATIONS

1.—(1) Subject to sub-paragraphs (2) and (3) of this paragraph, the commercial designation for any species of fish specified in column 2 of the following Table shall be a name specified for that species in the corresponding entry in column 1 of the said Table.

(2) A customary name may be used for any species of fish which has been subjected to smoking or any similar process, unless the name of the species in column 2 of the following Table is followed by an asterisk. In such cases the name used for the food when the fish is smoked shall be either—

- (a) a name specified for that species in column 1 of the said Table preceded by the word “smoked”, or
- (b) except in the case of *Salmo salar* (L.), “smoked Pacific salmon”.

(3) Sub-paragraph (1) of this paragraph, as read with the following Table, shall not apply to fish regulated by Council Regulation (EEC) No 2136/89(a) laying down common marketing standards for preserved sardines, or Council Regulation (EEC) No 1536/92(b) laying down common marketing standards for preserved tuna and bonito.

<i>Column 1</i>	<i>Column 2</i>
<i>Commercial designation</i>	<i>Species of fish</i>
Sea Fish	
Anchovy	All species of the family <i>Engraulidae</i>
Barracuda	All species of <i>Sphyræna</i>
Barramundi	<i>Lates calcarifer</i>
Bass or Sea bass	<i>Dicentrarchus labrax</i> (L.)
Japanese sea bass	<i>Lateolabrax japonicus</i>
Spotted sea bass	<i>Dicentrarchus punctatus</i>
Southern rock bass	<i>Paralabrax callaensis</i>
Bigeye	All species of <i>Priacanthus</i>
Bluefish or Tailor	<i>Pomatomus saltatrix</i>
Bogue	<i>Boops boops</i>
	All species of <i>Sarda</i>
Bonito	All species of <i>Euthynnus</i> , with the exception of <i>Euthynnus (Katsuwonus) pelamis</i>
	All species of <i>Auxis</i>
Brill	<i>Scophthalmus rhombus</i> (L.)
Brisling	<i>Sprattus sprattus</i> (L.) when canned
Catfish or Rockfish or Wolffish	All species of <i>Anarhichas</i>
Cobia	<i>Rachycentron canadum</i>
Cod or Codling	<i>Gadus morhua</i>
Pacific cod or Cod	<i>Gadus macrocephalus</i>
Greenland cod or Cod	<i>Gadus ogac</i>
Saffron cod	<i>Eleginus gracilis</i>
Red cod	<i>Pseudophycis bachus</i>
Blue cod	<i>Parapercis colias</i>
Coley or Saithe or Coalfish	<i>Pollachius virens</i> (L.)
Conger	All species of <i>Conger</i>
Croaker or Drum or Jewfish	All species of the family <i>Sciaenidae</i>
Dab	<i>Limanda limanda</i> (L.)
Yellowtail dab	<i>Limanda ferruginea</i>
Pacific sand dab	<i>Citharichthys sordidus</i>
	All species of <i>Galeorhinus</i>
	All species of <i>Mustelus</i>
Dogfish or Flake or Huss or Rigg or Rock Salmon or Rock Eel	All species of <i>Scyliorhinus</i>
	<i>Galeus melastomus</i>
	<i>Squalus acanthias</i> (L.)
Dory or John Dory or St Peter's fish	<i>Zeus faber</i> (L.)
Eel	All species of <i>Anguilla</i>
Emperor	All species of <i>Lethrinus</i>
Escolar or Snake Mackerel	All species of the family <i>Gempylidae</i>
Flounder	<i>Platichthys flesus</i> (L.)
Flying fish	All species of the family <i>Exocoetidae</i>
Greenling	<i>Ophiodon elongatus</i>

(a) OJ No. L212, 22.7.89, p. 79.

(b) OJ No. L163, 17.6.92, p. 1.

Column 1 Commercial designation	Column 2 Species of fish
Grouper	{ All species of <i>Mycteroperca</i> All species of <i>Epinephelus</i>
Gurnard	{ All species of the family <i>Triglidae</i> <i>Peristedion cataphractum</i> (L.)
Haddock	<i>Melanogrammus aeglefinus</i> (L.)
Hake	All species of <i>Merluccius</i> Alternatively, the following may be used
Cape hake	{ <i>Merluccius capensis</i> <i>Merluccius paradoxus</i>
White hake	<i>Urophycis tenuis</i>
Halibut	{ <i>Hippoglossus hippoglossus</i> (L.) <i>Hippoglossus stenolepis</i>
Black halibut <i>or</i> Mock halibut	<i>Reinhardtius hippoglossoides</i> (Walbaum)
Herring	<i>Clupea harengus</i> (L.)
Hilsa	<i>Tenualosa ilisha</i>
Hoki	<i>Macruronus novaezelandiae</i>
Chilean hoki	<i>Macruronus magellanicus</i>
Jack <i>or</i> Scad <i>or</i> Horse Mackerel <i>or</i> Trevally	{ All species of <i>Caranx</i> All species of <i>Hemicaranx</i> All species of <i>Seriola</i> All species of <i>Trachurus</i> All species of <i>Decapterus</i>
Kingklip	<i>Genypterus capensis</i>
Ladyfish	All species of the family <i>Elopidae</i>
Ling	All species of <i>Molva</i>
Lumpfish <i>or</i> Lump sucker	<i>Cyclopterus lumpus</i>
Mackerel	All species of <i>Scomber</i>
King Mackerel <i>or</i> Kingfish	<i>Scomberomorus cavalla</i>
Mahi Mahi	<i>Coryphaena hippurus</i>
Marlin	All species of <i>Makaira</i>
Megrim	All species of <i>Lepidorhombus</i>
Milkfish	<i>Chanos chanos</i>
Monk(fish) <i>or</i> Angler(fish)	{ <i>Lophius piscatorius</i> (L.) <i>Lophius americanus</i>
Cape monk(fish) <i>or</i> Cape angler(fish)	<i>Lophius vomerinus</i>
Red mullet	All species of <i>Mullus</i>
Goatfish	All other species of the family <i>Mullidae</i>
Grey mullet	{ All species of <i>Mugil</i> All species of <i>Liza</i> All species of <i>Chelon</i>
Opah <i>or</i> Moonfish	All species of <i>Lampris</i>
Orange roughy	<i>Hoplostethus atlanticus</i>
Parrotfish	All species of the family <i>Scaridae</i>
Picarel	<i>Spicara smaris</i>
Pilchard	<i>Sardina pilchardus</i> (Walbaum)
Pacific pilchard	<i>Sardinops sagax</i> that has been caught in the Pacific Ocean
South Atlantic pilchard	<i>Sardinops sagax</i> that has been caught in the South Atlantic Ocean
Plaice	<i>Pleuronectes platessa</i> (L.)
American plaice	<i>Hippoglossoides platessoides</i> (Fabr.)
Pollack <i>or</i> Pollock <i>or</i> Lythe	<i>Pollachius pollachius</i> (L.)
Pacific pollack <i>or</i> Pacific pollock <i>or</i> Alaska pollack <i>or</i> Alaska pollock	<i>Theragra chalcogramma</i> (Pallas)
Pomfret <i>or</i> Butterfish	{ All species of <i>Brama</i> All species of <i>Stromateus</i> All species of <i>Pampus</i>
Poor cod	<i>Trisopterus minutus</i>
Pout <i>or</i> Pout Whiting <i>or</i> Pouting <i>or</i> Bib	<i>Trisopterus luscus</i>
Rainbow runner	<i>Elagatis bipinnulata</i>
Redfish <i>or</i> Ocean perch <i>or</i> Rose fish	{ All species of <i>Sebastes</i> All species of <i>Helicolenus</i>

Column 1 Commercial designation	Column 2 Species of fish
Sablefish	<i>Anoplopoma fimbria</i>
Sailfish	All species of <i>Istiophorus</i>
Sardine	Small <i>Sardina pilchardus</i> (Walbaum)
Sardinella	All species of <i>Sardinella</i>
Scabbard fish <i>or</i> Sabre <i>or</i> Sabre fish <i>or</i> Silver sabre <i>or</i> Black sabre	{ <i>Lepidopus caudatus</i> <i>Aphanopus carbo</i>
Sea bream <i>or</i> Porgy	All species of the family <i>Sparidae</i> except <i>Boops boops</i>
Sild	{ Small <i>Clupea harengus</i> (L.), when canned Small <i>Sprattus sprattus</i> (L.), when canned
Skate <i>or</i> Ray <i>or</i> Roker	All species of <i>Raja</i>
Smelt <i>or</i> Sparling	All species of <i>Osmerus</i>
Snapper	All species of the family <i>Lutjanidae</i> Alternatively, the following may be used
Jobfish	{ All species of <i>Aphareus</i> All species of <i>Aprion</i> All species of <i>Pristipomoides</i>
Snook	All species of <i>Centropomus</i>
Sole <i>or</i> Dover sole	<i>Solea solea</i> (L.)
Butter sole	<i>Isopsetta isolepis</i>
Californian sole	<i>Parophrys vetulus</i>
Lemon sole	<i>Microstomus kitt</i> (Walbaum)
Petrable sole	<i>Eopsetta jordani</i>
Rex sole <i>or</i> Long-finned sole	<i>Glyptocephalus zachirus</i>
Rock sole	<i>Lepidopsetta bilineata</i>
Pacific sole	<i>Microstomus pacificus</i>
Torbay sole <i>or</i> Witch	<i>Glyptocephalus cynoglossus</i> (L.)
Sprat	<i>Sprattus sprattus</i> (L.), except when canned
Swordfish	<i>Xiphias gladius</i>
Tarpon	All species of the family <i>Megalopidae</i>
Threadfin bream	All species of <i>Nemipterus</i>
Toothfish <i>or</i> Icefish	{ <i>Dissostichus mawsoni</i> <i>Dissostichus eleginoides</i>
Tuna <i>or</i> Tunny	All species of <i>Thunnus</i>
Skipjack tuna (<i>or</i> tuna)	<i>Katsuwonus pelamis</i>
Albacore tuna (<i>or</i> tuna)	<i>Thunnus alalunga</i>
Yellowfin tuna (<i>or</i> tuna)	<i>Thunnus albacares</i>
Bluefin tuna (<i>or</i> tuna)	<i>Thunnus thynnus</i>
Bigeye tuna (<i>or</i> tuna)	<i>Thunnus obesus</i>
Turbot	<i>Psetta maxima</i>
Wahoo	<i>Acanthocybium solandri</i>
Whitebait	{ Small <i>Clupea harengus</i> (L.) Small <i>Sprattus sprattus</i> (L.) (except when canned)
Whiting	<i>Merlangius merlangus</i> (L.)
Blue whiting	<i>Micromesistius poutassou</i> (Risso)
Southern blue whiting	<i>Micromesistius australis</i>
Winter flounder	<i>Pseudopleuronectes americanus</i> (Walbaum)
Salmon and Freshwater Fish	
Bacha	<i>Eutropiichthys vacha</i>
Batashi	<i>Pseudeutropius atherinoides</i>
Carp	All species of the family <i>Cyprinidae</i> Alternatively the following may be used
Mowrala	<i>Amblypharyngodon mola</i>
Banspata	<i>Danio devario</i>
Bata	<i>Labeo bata</i>
Kalibous	<i>Labeo calbasu</i>
Ghania	<i>Labeo gonius</i>
Ruhi	<i>Labeo rohita</i>
Punti	<i>Puntius sarana</i>
Chelapata	<i>Salmostoma bacaila</i>
Catfish <i>or</i> American catfish <i>or</i> Channel catfish	All species of the family <i>Ictaluridae</i>

Column 1 Commercial designation	Column 2 Species of fish
Catfish	{ All species of the family <i>Clariidae</i> All species of the family <i>Siluridae</i> All species of the family <i>Bagridae</i> Alternatively the following may be used
Magur	<i>Clarias batrachus</i>
Gulsha	<i>Mystus bleekeri</i>
Buzuri	<i>Mystus tengara</i>
Tengra	<i>Mystus vittatus</i>
Pabda	<i>Ompok pabda</i>
Ayre	<i>Sperata aor</i>
Boal	<i>Wallago attu</i>
Chapila	<i>Gudusia chapra</i>
Char	All species of <i>Salvelinus</i>
Kakila	<i>Xenentodon cancila</i>
Keski	<i>Corica soborna</i>
Khalisha	<i>Colisa fasciatus</i>
Koi	<i>Anabas testudineus</i>
Largebaim	<i>Mastacembelus armatus</i>
Meni	<i>Nandus nandus</i>
Nile perch	<i>Lates niloticus</i>
Pacific dory or Vietnamese sole	<i>Pangasius bocourti</i>
Patabaim	<i>Macrognathus aculeatus</i>
Queen fish	<i>Botia dario</i>
River cobbler	{ <i>Pangasius micronemus</i> <i>Pangasius hypophthalmus</i>
Salmon or Atlantic salmon	<i>Salmo salar</i> (L.)*
Cherry salmon or Pacific salmon	<i>Oncorhynchus masou masou</i> *
Chum salmon or Keta salmon	<i>Oncorhynchus keta</i> (Walbaum)*
Medium red salmon or Coho salmon or Silver salmon	<i>Oncorhynchus kisutch</i> (Walbaum)*
Pink salmon	<i>Oncorhynchus gorbuscha</i> (Walbaum)*
Red salmon or Sockeye salmon	<i>Oncorhynchus nerka</i> (Walbaum)*
Spring salmon or King salmon or Chinook salmon or Pacific salmon	<i>Oncorhynchus tshawytscha</i> (Walbaum)*
Shol	<i>Channa striata</i>
Taki	<i>Channa punctata</i>
Tilapia	{ All species of <i>Tilapia</i> All species of <i>Oreochromis</i>
Trout or Brown trout	<i>Salmo trutta trutta</i> (L.) which has spent all of its life in fresh water
Sea trout or Salmon trout	<i>Salmo trutta trutta</i> (L.) which has spent part of its life in sea water
Cut-throat trout or trout	<i>Oncorhynchus clarki clarki</i>
Rainbow trout or Steelhead trout or trout	<i>Oncorhynchus mykiss</i>
Shellfish	
Abalone or Ormer	All species of <i>Haliotis</i>
Clam or Hard shell clam	{ <i>Mercenaria mercenaria</i> (L.) <i>Venus verrucosa</i> (L.)
Clam or Razor clam	All species of <i>Ensis</i> and <i>Solen</i>
Geoduck or Geoduck clam	<i>Panopea abrupta</i>
Surf clam	All species of <i>Spisula</i>
Cockle	All species of <i>Cerastoderma</i>
Crab	{ All species of the order <i>Brachyura</i> All species of the family <i>Lithodidae</i> All species of the family <i>Astacidae</i> All species of the family <i>Parastacidae</i> All species of the family <i>Austroastacidae</i> All species of the family <i>Cambaridae</i>
Crayfish	{ All species of <i>Sepia</i> <i>Rossia macrosoma</i>
Cuttlefish	All species of <i>Homarus</i>
Lobster	All species of the family <i>Scyllaridae</i>
Slipper lobster	All species of the family <i>Galatheididae</i>
Squat lobster	

Column 1 Commercial designation	Column 2 Species of fish
Crawfish or Spiny lobster or Rock lobster	{ All species of <i>Panulirus</i> All species of <i>Palinurus</i> All species of <i>Jasus</i>
Indian ocean lobster	<i>Puerulus sewelli</i>
Mussel	All species of the family <i>Mytilidae</i>
Octopus	All species of <i>Octopus</i>
Oyster	{ All species of <i>Crassostrea</i> All species of <i>Ostrea</i>
Oyster or Portuguese oyster	<i>Crassostrea angulata</i> (Lmk.)
Oyster or Pacific oyster or Rock oyster	<i>Crassostrea gigas</i> (Thunberg)
Oyster or Native oyster	<i>Ostrea edulis</i> (L.)
Prawn or Shrimp	{ Whole fish (of a size which, when cooked, have a count of less than 397 per kg) or tails (of a size which, when peeled and cooked, have a count of less than 1,323 per kg) of— all species of the family <i>Palaemonidae</i> , all species of the family <i>Penaeidae</i> , and all species of the family <i>Pandalidae</i>
King prawn	{ All species of the family <i>Palaemonidae</i> All species of the family <i>Penaeidae</i> Where the count is less than 123 per kg (head on/shell on) or less than 198 per kg (head off/shell on) or less than 242 per kg (head off/shell off)
Tiger prawn	{ <i>Penaeus monodon</i> <i>Penaeus semisulcatus</i> <i>Penaeus esculentus</i> <i>Penaeus kerathurus</i> <i>Penaeus japonicus</i> <i>Parapenaeopsis hardwickii</i> <i>Parapenaeopsis sculptilis</i>
Scallop or King scallop	<i>Pecten maximus</i>
Atlantic scallop or Scallop	<i>Placopecten magellanicus</i>
Queen scallop or Queen or Scallop	<i>Chlamys (Aequipecten) opercularis</i>
Scallop or Common scallop	All species of the family <i>Pectinidae</i>
Scampi or Norway lobster or Dublin Bay prawn or Langoustine	<i>Nephrops norvegicus</i> (L.)
Pacific scampi	{ <i>Metanephrops andamanicus</i> <i>Metanephrops challengerii</i> <i>Metanephrops thomsoni</i>
Shrimp	{ Whole fish (of a size which, when cooked, have a count of 397 per kg or more) or tails (of a size which, when peeled and cooked, have a count of 1,323 per kg or more) of— all species of the family <i>Palaemonidae</i> , all species of the family <i>Penaeidae</i> , and all species of the family <i>Pandalidae</i>
Shrimp or Pink shrimp	<i>Pandalus montagui</i>
Shrimp or Brown shrimp	All species of <i>Crangon</i>
Squid	{ All species of <i>Loligo</i> All species of <i>Illex</i> <i>Ommastrephes sagittatus</i>
Arrow squid	{ <i>Nototodarus sloani</i> <i>Nototodarus gouldi</i>
Whelk	All species of <i>Buccinum</i>
Winkle	All species of <i>Littorina</i>

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to England only, provide for the execution and enforcement of Title 1, Chapter 2 of Council Regulation (EC) 104/2000 on the common organisation of the markets in fishery and aquaculture products as applied by Commission Regulation (EC) 2065/2001 laying down detailed rules on the application of Council Regulation (EC) 104/2000 as regards informing consumers about fishery and aquaculture products.

Title 1 of Chapter 2 of Council Regulation (EC) 104/2000 imposes requirements regarding the provision of information about the commercial designation, production method and catch area of certain fishery and aquaculture products offered for retail sale to the final consumer. It further provides for Member States to draw up and publish a list of commercial designations for at least the species listed in Annexes I to IV of the Regulation. Commission Regulation (EC) 2065/2001 describes in more detail the information to be provided to consumers and the exemptions that may be allowed. It also provides for the necessary information to be provided at each stage of the marketing process.

These Regulations:

- (a) provide a list, as regards England, of the commercial designations required to be drawn up by the United Kingdom (regulation 4 and the Schedule) and further provide for the granting of provisional commercial designations (regulation 8);
- (b) make provision as to the relaxation of the requirements in certain circumstances in relation to information about the production method (regulation 5); in the case of direct sales of small quantities to consumers by fishermen or aquaculture producers (regulation 6) and with regard to the inclusion of additional information about catch area (regulation 7);
- (c) create offences and prescribe penalties (regulation 3), specify enforcement authorities (regulation 9) and incorporate specified provisions of the Food Safety Act 1990 (regulation 10);
- (d) revoke the fish labelling requirements set out in paragraph 1 of Schedule 1 to the Food Labelling Regulations 1996 in relation to England (regulation 11).

A Regulatory Impact Assessment has been prepared and placed in the Library of each House of Parliament. Copies may be obtained from Food Labelling Division, Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.

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