

Scottish Statutory Instrument 2003 No. 145

The Fish Labelling (Scotland) Regulations 2003

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SCOTTISH STATUTORY INSTRUMENTS

2003 No. 145

FOOD

The Fish Labelling (Scotland) Regulations 2003

<i>Made</i>	<i>5th March 2003</i>
<i>Laid before the Scottish Parliament</i>	<i>7th March 2003</i>
<i>Coming into force</i>	<i>28th March 2003</i>

The Scottish Ministers, in exercise of the powers conferred by sections 6(4),

16(1)(e) and (f), 17(2), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990^[1] and of all other powers enabling them in that behalf, having had regard in accordance with section 48(4A)^[2] of that Act to advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B)^[3] of that Act, hereby make the following Regulations:

Citation, commencement and extent

1. - (1) These Regulations may be cited as the Fish Labelling (Scotland) Regulations 2003 and shall come into force on 28th March 2003.

(2) These Regulations extend to Scotland only.

Interpretation

2. - (1) In these Regulations-

"the Act" means the Food Safety Act 1990;

"the Agency" means the Food Standards Agency;

"Regulation 104/2000" means Council Regulation (EC) No. 104/2000 on the common organisation of the markets in fishery and aquaculture products^[4];

"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^[5] as corrected by a Corrigendum published on 12th January 2002^[6].

(2) Any expressions used both in these Regulations and in Regulation 104/2000 or Regulation 2065/2001 have the same meaning in these Regulations as they bear in Regulation 104/2000 or Regulation 2065/2001.

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 product 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 at any stage of marketing 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.

List of commercial designations

4. - (1) 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 set out in the Schedule to these Regulations, and accordingly, the commercial designations set out in the Schedule are names prescribed by law for the purposes of regulation 6(1) of the Food Labelling Regulations 1996^[7].

(2) In relation to a species included both in the Schedule to these Regulations and in a list published in the English language under Article 4(2) of Regulation 104/2000 having effect in another member State of the European Community or in another part of the United Kingdom, the commercial designation for that species in the list having effect in the 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 any product to which Article 4(1) of Regulation 104/2000 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 paragraph (1) above, 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 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 within its area.

Application of various provisions of the Act

10. The following provisions of the Act shall apply for the purposes of these Regulations, and for the purposes of those provisions of Regulation 104/2000 and Regulation 2065/2001 to which these Regulations relate in like manner as they apply for the purposes of the Act, and any reference in those provisions of the Act to the Act or Part thereof shall be construed for the purposes of these Regulations as including 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 of the Act;

- (d) section 30(8) (which relates to documentary evidence);
- (e) section 32 (powers of entry);
- (f) section 33 (obstruction etc. of officers);
- (g) section 35(1) to (3) (punishment of offences) in so far as it relates to offences under section 33(1) and (2) as applied by paragraph (f) above;
- (h) section 36 (offences by bodies corporate);
- (i) section 36A (offences by Scottish partnerships); and
- (j) section 44 (protection of officers acting in good faith).

Revocations

11. Paragraph 1 of Schedule 1 (prescribed names of fish and shellfish) to the Food Labelling Regulations 1996 is omitted.

MARY MULLIGAN
Authorised to sign by the Scottish Ministers

St Andrew's House, Edinburgh
5th March 2003

SCHEDULE

Regulation 4

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 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[8] laying down common marketing standards for preserved sardines, or Council Regulation (EEC) No. 1536/92[9] 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>Sphyraena</i>
Barramundi	<i>Lates calcarifer</i>
Bass <i>or</i> 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 <i>or</i> Tailor	<i>Pomatomus saltatrix</i>
Bogue	<i>Boops boops</i>
Bonit	{All species of <i>Sarda</i> {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 <i>or</i> Rockfish <i>or</i> Wolffish	All species of <i>Anarhichas</i>
Cobia	<i>Rachycentron canadum</i>
Cod <i>or</i> Codling	<i>Gadus morhua</i>
Pacific cod <i>or</i> Cod	<i>Gadus macrocephalus</i>
Greenland cod <i>or</i> Cod	<i>Gadus ogac</i>
Saffron cod	<i>Eleginus gracilis</i>
Red cod	<i>Pseudophycis bachus</i>
Blue cod	<i>Parapercis colias</i>
Coley <i>or</i> Saithe <i>or</i> Coalfish	<i>Pollachius virens</i> (L.)
Conger	All species of <i>Conger</i>
Croaker <i>or</i> Drum	All species of the family <i>Sciaenidae</i>

<i>or Jewfish</i>	
Dab	<i>Limanda limanda</i> (L.)
Yellowtail dab	<i>Limanda ferruginea</i>
Pacific sand dab	<i>Citharichthys sordidus</i>
Dogfish <i>or</i> Flake <i>or</i> Huss <i>or</i> Rigg <i>or</i> Rock Salmon <i>or</i> Rock Ee	{All species of <i>Galeorhinus</i> {All species of <i>Mustelus</i> {All species of <i>Scyliorhinus</i> { <i>Galeus melastomus</i> { <i>Squalus acanthias</i> (L.)
Dory <i>or</i> John Dory <i>or</i> St Peter's fish	<i>Zeus faber</i> (L.)
Eel	All species of <i>Anguilla</i>
Emperor	All species of <i>Lethrinus</i>
Escolar <i>or</i> 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>
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>	<i>Reinhardtius hippoglossoides</i> (Walbaum)

Mock halibut	
Herring	<i>Clupea harengus</i> (L.)
Hilsa	<i>Tenuialosa 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> Trevall	{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> Lumpsucker	<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> which has been caught in the Pacific Ocean
South Atlantic pilchard	<i>Sardinops sagax</i> which 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> Butterfis	{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 runne	<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>
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 sabr	{ <i>Lepidopus caudatus</i> { <i>Aphanopus carbo</i>
Sea bream <i>or</i> Porg	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)
Petrale 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 (or tuna)	<i>Thunnus thynnus</i>
Bigeye tuna (or tuna)	<i>Thunnus obesus</i>
Turbot	<i>Psetta maxima</i>
Wahoo	<i>Acanthocybium solandri</i>
Whitebai	{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 or American catfish or Channel catfish	All species of the family <i>Ictaluridae</i>
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 <i>or</i> Vietnamese sole	<i>Pangasius bocourti</i>
Patabaim	<i>Macrognathus aculeatus</i>
Queen fis	<i>Botia dario</i>
River cobbler	{ <i>Pangasius micronemus</i> <i>Pangasius hypophthalmus</i>
Salmon <i>or</i> Atlantic salmon	<i>Salmo salar</i> (L.)*
Cherry salmon <i>or</i> Pacific salmon	<i>Oncorhynchus masou masou</i> *
Chum salmon <i>or</i> Keta salmon	<i>Oncorhynchus keta</i> (Walbaum)*
Medium red salmon <i>or</i> Coho salmon <i>or</i> Silver salmon	<i>Oncorhynchus kisutch</i> (Walbaum)*
Pink salmon	<i>Oncorhynchus gorbuscha</i> (Walbaum)*
Red salmon <i>or</i> Sockeye salmon	<i>Oncorhynchus nerka</i> (Walbaum)*
Spring salmon <i>or</i> King salmon <i>or</i> Chinook salmon <i>or</i> Pacific salmon	<i>Oncorhynchus tshawytscha</i> (Walbaum)*

Shol	<i>Channa striata</i>
Tak	<i>Channa punctata</i>
Tilapia	{All species of <i>Tilapia</i> {All species of <i>Oreochromis</i>
Trout <i>or</i> Brown trout	<i>Salmo trutta trutta</i> (L.) which has spent all of its life in fresh water
Sea trout <i>or</i> Salmon trout	<i>Salmo trutta trutta</i> (L.) which has spent part of its life in sea water
Cut-throat trout <i>or</i> trout	<i>Oncorhynchus clarki clarki</i>
Rainbow trout <i>or</i> Steelhead trout <i>or</i> trout	<i>Oncorhynchus mykiss</i>
Shellfish	
Abalone <i>or</i> Ormer	All species of <i>Haliotis</i>
Clam <i>or</i> Hard shell cla	{ <i>Mercenaria mercenaria</i> (L.) { <i>Venus verrucosa</i> (L.)
Clam <i>or</i> Razor clam	All species of <i>Ensis</i> and <i>Solen</i>
Geoduck <i>or</i> 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>
Crayfish	{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>
Cuttlefish	{All species of <i>Sepia</i> { <i>Rossia macrosoma</i>
Lobster	All species of <i>Homarus</i>
Slipper lobster	All species of the family <i>Scyllaridae</i>

Squat lobster	All species of the family <i>Galatheidæ</i>
Crawfish <i>or</i> Spiny lobster <i>or</i> 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>Mytilidæ</i>
Octopus	All species of <i>Octopus</i>
Oyster	{All species of <i>Crassostrea</i> {All species of <i>Ostrea</i>
Oyster <i>or</i> Portuguese oyster	<i>Crassostrea angulata</i> (Lmk.)
Oyster <i>or</i> Pacific oyster <i>or</i> Rock oyster	<i>Crassostrea gigas</i> (Thunberg)
Oyster <i>or</i> Native oyster	<i>Ostrea edulis</i> (L.)
Prawn <i>or</i> 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>Palaemonidæ</i> , {all species of the family <i>Penæidæ</i> , and {all species of the family <i>Pandalidæ</i>
King prawn	{All species of the family <i>Palaemonidæ</i> {All species of the family <i>Penæidæ</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>Penæus monodon</i> { <i>Penæus semisulcatus</i> { <i>Penæus esculentus</i>

	<div>{<i>Penaeus kerathurus</i></div> <div>{<i>Penaeus japonicus</i></div> <div>{<i>Parapenaeopsis hardwickii</i></div> <div>{<i>Parapenaeopsis sculptilis</i></div>
Scallop <i>or</i> King scallop	<i>Pecten maximus</i>
Atlantic scallop <i>or</i> Scallop	<i>Placopecten magellanicus</i>
Queen scallop <i>or</i> Queen <i>or</i> Scallop	<i>Chlamys (Aequipecten) opercularis</i>
Scallop <i>or</i> Common scallop	All species of the family <i>Pectinidae</i>
Scampi <i>or</i> Norway lobster <i>or</i> Dublin Bay prawn <i>or</i> Langoustine	<i>Nephrops norvegicus</i> (L.)
Pacific scampi	<div>{<i>Metanephrops andamanicus</i></div> <div>{<i>Metanephrops challengerii</i></div> <div>{<i>Metanephrops thomsoni</i></div>
Shrimp	<div>{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-</div> <div>{all species of the family <i>Palaemonidae</i>,</div> <div>{all species of the family <i>Penaeidae</i>, and</div> <div>{all species of the family <i>Pandalidae</i></div>
Shrimp <i>or</i> Pink shrimp	<i>Pandalus montagui</i>
Shrimp <i>or</i> Brown shrim	All species of <i>Crangon</i>
Squid	<div>{All species of <i>Loligo</i></div> <div>{All species of <i>Illex</i></div> <div>{<i>Ommastrephes sagittatus</i></div>
Arrow squid	<div>{<i>Nototodarus sloani</i></div>

	{ <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 Scotland only, make provision to give effect to:

- Chapter 2 of Title I of Council Regulation (EC) 104/2000 on the common organisation of the markets in fishery and aquaculture products; and
- 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.

Chapter 2 of Title I 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 requires Member States to draw up and publish a list of commercial designations for at least the species listed in Annex 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 which are allowed. It also provides for the necessary information to be provided at each stage of the marketing process.

These Regulations-

- provide a list 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);
- 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);
- create offences and prescribe penalties (regulation 3), specify enforcement authorities (regulation 9) and incorporate specified provisions of the Food Safety Act 1990 (regulation 10);
- revoke the fish labelling requirements set out in paragraph 1 of Schedule 1 to the Food Labelling Regulations 1996 (regulation 11).

A Regulatory Impact Assessment, which includes a compliance cost assessment of the effect which these Regulations would have on business costs, has been prepared and placed in the Scottish Parliament Information Centre.

Copies can be obtained on request from the Food Standards Agency, 6th floor,
St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.

Notes:

[1] 1990 c.16; section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c.40), Schedule 9, paragraph 6 and by the Food Standards Act 1999 (c.28) ("the 1999 Act"), Schedule 5, paragraph 10(3). Sections 16(1)(e) and (f) and 48(1) were amended by the 1999 Act, Schedule 5, paragraph 8; section 17(2) was amended by the 1999 Act, Schedule 5, paragraphs 8 and 12; section 26(3) was amended by the 1999 Act, Schedule 6; amendments made by Schedule 5 to the 1999 Act which extend to Scotland shall be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) by virtue of section 40(2) of the 1999 Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.[back](#)

[2] Section 48(4A) was inserted by the Food Standards Act 1999, Schedule 5, paragraph 21.[back](#)

[3] Section 48(4B) was inserted by the Food Standards Act 1999, Schedule 5, paragraph 21.[back](#)

[4] O.J. No. L 17, 21.1.00, p.22.[back](#)

[5] O.J. No. L 278, 23.10.01, p.6.[back](#)

[6] O.J. No. L 10, 12.1.02, p.82.[back](#)

[7] S.I. 1996/1499; the only relevant amendment to which is made by S.I. 1998/1398 inserting regulation 6(4) (which defines "prescribed by law" for the purposes of regulation 6(1)).[back](#)

[8] O.J. No. L 212 22.7.89 p.79.[back](#)

[9] O.J. No. L 163 17.6.92 p.1.[back](#)

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