WELSH STATUTORY INSTRUMENTS

2006 No. 1339 (W.131)

FOOD, WALES

The Fish Labelling (Wales) (Amendment) Regulations 2006

Made - - - -	*16 May 2006*
Coming into force - -	*24 May 2006*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by sections 16(1)(e) and (f), 17(2), 26(3) and 48(1) of the Food Safety Act 1990(**1**) and now vested in it(**2**). .

In accordance with section 48(4A) of that Act, it has had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(**3**) 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, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title, commencement and application

1. The title of these Regulations is the Fish Labelling (Wales) (Amendment) Regulations 2006, will come into force on 24 May 2006 and apply in relation to Wales.

Amendment of the Fish Labelling (Wales) Regulations 2003

2. The Fish Labelling (Wales) Regulations 2003(**4**) are amended as follows—

(a) at the end of regulation 4(2) insert—

"and shall be names prescribed by law for the purposes of paragraph (1).."; and

(b) for the Schedule substitute the contents of the Schedule to these Regulations.

(**1**) 1990 c. 16; section 1(1) and (2) (definition of "food") was substituted by S.I.2004/2990.

(**2**) Functions formerly exercisable by "the Secretary of State" so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the Food Standards Act 1999 (1999 c. 28).

(**3**) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).

(**4**) S.I. 2003/1635 (W.177).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**5**)

D. Elis-Thomas
16 May 2006 The Presiding Officer of the National Assembly

(**5**) 1998 c. 38.

SCHEDULE Regulation 2(b)

"SCHEDULE Regulation

COMMERCIAL DESIGNATIONS

1. Subject to paragraphs 2 and 3, 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.

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 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. Paragraph 1, as read with the Table, shall not apply to fish regulated by Council Regulation (EEC) No. 2136/89(**6**) as amended by Commission Regulation (EC) No. 1181/2003(**7**) laying down common marketing standards for preserved sardines, or Council Regulation (EEC) No. 1536/92(**8**) laying down common marketing standards for preserved tuna and bonito.

Column 1 *Commercial designation*	*Column 2* *Species of fish*
Sea Fish	
Anchovy	All species of the family *Engraulidae*
Argentines	All species of the family *Argentinidae*
Barracuda	All species of *Sphyraena*
Barramundi	*Lates calcarifer*
Bass *or* Sea bass	*Dicentrarchus labrax* (L.)
Japanese sea bass	*Lateolabrax japonicus*
Spotted sea bass	*Dicentrarchus punctatus*
Southern rock bass	*Paralabrax callaensis*
Bigeye	All species of *Priacanthus*
Bluefish *or* Tail*or*	*Pomatomus saltatrix*
Bogue	*Boops boops*
Bonito	All species of *Sarda* All species of *Euthynnus*, with the exception of *Euthynnus (Katsuwonus) pelamis* All species of *Auxis*
Brill	*Scophthalmus rhombus* (L.)

(**6**) OJ No. L212, 22.7.89, p.79.
(**7**) OJ No. L165, 3.7.2003, P.17.
(**8**) OJ No. L163, 17.6.92, p.1.

Column 1 *Commercial designation*	*Column 2* *Species of fish*
Brisling	*Sprattus sprattus* (L.) when canned
Catfish *or* Rockfish *or* Wolffish	All species of *Anarhichas*
Sea catfish	All species of the family *Ariidae*
Cobia	*Rachycentron canadum*
Cod *or* Codling	*Gadus morhua*
Pacific cod *or* Cod	*Gadus macrocephalus*
Greenland cod *or* Cod	*Gadus ogac*
Saffron cod	*Eleginus gracilis*
Red cod	*Pseudophycis bachus*
Blue cod	*Parapercis colias*
Coley *or* Saithe *or* Coalfish	*Pollachius virens* (L.)
Conger	All species of *Conger*
Croaker *or* Drum Jewfish	All species of the family *or Sciaenidae*
	Alternatively, the following may be used
Southern meagre *or* Mulloway	*Argyrosomus hololepidotus*
Meagre	*Argyrosomus regius*
Dab	*Limanda limanda* (L.)
Yellowtail dab *or* Yellowtail flounder	*Limanda ferruginea*
Pacific sand dab	*Citharichthys sordidus*
Yellowfin sole	*Limanda aspera*
Dogfish *or* Flake *or* Huss *or* Rigg *or* Rock Salmon *or* Rock Eel	All species of *Galeorhinus*
	All species of *Mustelus*
	All species of *Scyliorhinus*
	Galeus melastomus
	Squalus acanthias (L.)
Silky shark *or* Shark	*Carcharhinus falciformis*
Blacktip shark *or* Shark	*Carcharhinus limbatus*
Sandbar shark *or* Shark	*Carcharhinus plumbeus*
Basking shark *or* Shark	*Cetorhinus maximus*
Sh*or*tfin mako *or* Sh*or*tfin mako shark *or* Shark	*Isurus oxyrinchus*
P*or*beagle *or* Shark	*Lamna nasus*
Blue shark *or* Shark	*Prionace glauca*

Column 1 *Commercial designation*	*Column 2* *Species of fish*
Whale shark *or* Shark	*Rhincodon typus*
D*or*y *or* John D*or*y *or* St Peter's fish	*Zeus faber* (L.)
Eel	All species of *Anguilla*
Emper*or*	All species of *Lethrinus*
Escolar *or* Mackerel	All species of the family Snake *Gempylidae*
Flounder	*Platichthys flesus* (L.)
Speckled flounder	*Paralichthys woolmani*
Arrowtooth flounder	*Atheresthes stomias*
Flying fish	All species of the family *Exocoetidae*
Garfish	*Belone belone*
Greenling	*Ophiodon elongatus*
Grouper	Al species of *Mycteroperca* All species of *Epinephelus*
Gurnard	All species of the family *Triglidae* *Peristedion cataphractum* (L.)
Haddock	*Melanogrammus aeglefinus* (L.)
Hake	All species of *Merluccius* Alternatively, the following may be used
Cape hake	*Merluccius capensis* *Merluccius paradoxus*
White hake	*Urophycis tenuis*
Halibut	*Hippoglossus hippoglossus (L.)* *Hippoglossus stenolepis*
Greenland halibut *or* Black halibut *or* Mock halibut	*Reinhardtius hippoglossoides* (Walbaum)
Herring	*Clupea harengus* (L.)
Hilsa	*Tenualosa ilisha*
Hoki	*Macruronus novaezelandiae*
Chilean hoki	*Macruronus magellanicus*
Indian mackerel	All species of *Rastrelliger*
Jack *or* Scad *or* H*or*se Mackerel *or* Trevally	All species of *Caranx*