STATUTORY RULES OF NORTHERN IRELAND

2003 No. 160

FOOD

Fish Labelling Regulations (Northern Ireland) 2003

Made - - - -	*11th March 2003*
Coming into operation	*28th April 2003*

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred on it by Articles 15(1)(e) and (f), 16(2), 25(1) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**2**) and of all other powers enabling it in that behalf, having had regard in accordance with Article 47(3A) of the said Order to relevant 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(**3**) and in accordance with Article 47(3) and (3B) of the said Order, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Fish Labelling Regulations (Northern Ireland) 2003 and shall come into operation on 28th April 2003.

Interpretation

2. In these Regulations –

"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**);

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

(**1**) Formerly the Department of Health and Social Services; *see*S.I.1999/283 (N.I. 1), Article 3
(**2**) S.I. 1991/762 (N.I.7) as amended by S.I.1996 /1633 (N.I. 12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28
(**3**) O.J. 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
(**4**) O.J. No. L17, 21.1.2000, p. 22
(**5**) O.J. 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) A 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) 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, 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 (Northern Ireland) 1996(**6**).

(2) In relation to a species included both in the Schedule 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.

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.

(**6**) S.R. 1996 No. 383; regulation 6(4) (which defines "prescribed by law" for the purposes of regulations 6(1), 7 and 8(a)) was inserted by S.R. 1998 No. 253

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 district council shall enforce and execute these Regulations within its district.

Application of various provisions of the Order

10. The following provisions of the Order shall apply for the purposes of these Regulations and any reference in those provisions to the Order shall be construed for the purposes of these Regulations as a reference to these Regulations and to those provisions of Regulation 104/2000 and Regulation 2065/2001 to which these Regulations relate –

(a) Article 4 (presumptions that food intended for human consumption);

(b) Article 19 (offences due to fault of another person);

(c) Article 20 (defence of due diligence) as it applies for the purposes of Article 7, 13 or 14;

(d) Article 30(8) (which relates to documentary evidence);

(e) Article 33 (powers of entry);

(f) Article 34 (obstruction, etc., of officers);

(g) Article 36 (punishment of offences) in so far as it relates to offences under Article 34(1) and (2) as applied by paragraph (f).

Revocations

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

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 11th March 2003.

W. B. Smith
A Senior Officer of the
Department of Health, Social Services and
Public Safety

SCHEDULE

Regulation 4

COMMERCIAL DESIGNATIONS

1.—(1) Subject to sub-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 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), as read with the following Table, shall not apply to fish regulated by Council Regulation (EEC) No 2136/89(**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.

Table

Column 1 *Commercial designation*	Column 2 *Species of fish*
Sea Fish	
Anchovy	All species of the family *Engraulidae*
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* Tailor	*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.)
Brisling	*Sprattus sprattus* (L.) when canned

(**7**) O.J. No. L212, 22.7.89, p. 79
(**8**) O.J. No. L163, 17.6.92, p. 1

Column 1 *Commercial designation*	Column 2 *Species of fish*
Catfish *or* Rockfish *or* Wolffish	All species of *Anarhichas*
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 *or* Jewfish	All species of the family *Sciaenidae*
Dab	*Limanda limanda* (L.)
Yellowtail dab	*Limanda ferruginea*
Pacific sand dab	*Citharichthys sordidus*
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.)
Dory *or* John Dory *or* St Peter's fish	*Zeus faber* (L.)
Eel	All species of *Anguilla*
Emperor	All species of *Lethrinus*
Escolar *or* Snake Mackerel	All species of the family *Gempylidae*
Flounder	*Platichthys flesus* (L.)
Flying fish	All species of the family *Exocoetidae*
Greenling	*Ophiodon elongatus*
Grouper	All 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*