COMMISSION REGULATION (EC) No 1181/2003

of 2 July 2003

amending Council Regulation (EEC) No 2136/89 laying down common marketing standards for preserved sardines

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 products [1], and in particular Article 2(3) thereof,

Whereas:

(1) Regulation (EC) No 104/2000 provides for the possibility of adopting common marketing standards for fishery products in the Community, particularly in order to facilitate commerce based on fair competition. These standards may, in particular, cover labelling.

(2) Council Regulation (EEC) No 2136/89 [2] lays down common marketing standards for preserved sardines in the Community.

(3) The widening variety of supply of preserved products marketed and presented in the same way as preserved sardines in the Community makes it necessary to provide consumers with sufficient information on the identity and the main characteristics of the product. It is therefore necessary to lay down common rules on trade descriptions for preserved products marketed and presented in the same way as preserved sardines in the Community.

(4) The *Codex Alimentarius* standard Codex STAN94 as well as the particular conditions prevailing on the Community market should be taken into account to that purpose.

(5) In the interest of market transparency, fair competition and variety of choice, it is necessary to specify that preserved sardine-type products should be prepared exclusively from well defined species.

(6) It is necessary to take account of changes in the Combined Nomenclature codes for preserved sardines.

(7) The term 'sardine' can only be part of the trade description of sardine-type products if it is adequately qualified. Trade descriptions based on geographic names alone are not sufficiently distinctive. In order to enable a proper identification of each sardine-type product, thus avoiding confusion between different fish species, the scientific name of the species should be used as a qualifier term.

(8) The combination of the word 'sardines' with the common name of a sardine-type fish species can only generate confusion as to the true nature of the product. On the other hand, common names not including the word 'sardines' may continue to be used for the marketing of sardine-type products, in accordance with the law of the Member State on marketing and in a manner not to mislead the consumers.

(9) The requirements laid down in this Regulation should be applied without prejudice to Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs [3].

(10) Regulation (EEC) No 2136/89 should therefore be amended accordingly.

(11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2136/89 is amended as follows:

1. In the title the words 'laying down common marketing standards for preserved sardines' are replaced by the following: 'laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products'.

2. Article 1 is replaced by the following:

   '*Article 1*

   This Regulation defines the standards governing the marketing of preserved sardines and the trade descriptions for preserved sardines and preserved sardine-type products marketed in the Community.'

3. The following Article 1a is inserted:

   '*Article 1a*

   For the purposes of this Regulation:

   1. "preserved sardines" means products prepared from fish of the species *Sardina pilchardus*;

[1] OJ L 17, 21.1.2000, p. 22.
[2] OJ L 212, 22.7.1989, p. 79.
[3] OJ L 109, 6.5.2000, p. 29.