

Council Regulation(EC) No 2406/96 of 26 November 1996 laying
down common marketing standards for certain fishery products

COUNCIL REGULATION(EC) No 2406/96
of 26 November 1996

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products⁽¹⁾, and in particular Article 2 (3) thereof,

Having regard to the proposal from the Commission,

Whereas common marketing standards were laid down for certain species of fish by Regulation (EEC) No 103/76⁽²⁾ and for certain species of crustaceans by Regulation (EEC) No 104/86⁽³⁾; whereas far-reaching new amendments must now be made to these Regulations in order to reflect market developments and changes in trade practices; whereas it is therefore necessary to revise these provisions entirely, in a single legal instrument, to ensure that they are clear and can be properly applied; whereas Regulations (EEC) No 103/76 and (EEC) No 104/76 should consequently be replaced;

Whereas the principal aims of the common marketing standards for fishery products are to improve products quality and thus make marketing easier to the benefit of both producers and consumers; whereas, since fishery products are unprocessed and are marketed fresh or chilled, their quality is determined largely by their freshness, which is assessed on the basis of objective criteria by organoleptic examination; whereas, if batches of fishery products are to be uniformly fresh, they must consist of products of the same species, and may come from the same fishing grounds and the same vessel only;

Whereas a small but adequate number of freshness categories should be established based on appropriate ratings for individual products groups; whereas, however, in view of the need to support quality products, at the latest as from 1 January 2000, not all freshness categories should be permitted to qualify for the intervention mechanisms introduced as part of the market organization arrangements;

Whereas the common marketing standards are also aimed at defining uniform trade characteristics for the products in question across the entire Community market in order to prevent distortions of competition and, secondly, to enable the market organization price arrangements to be applied uniformly; whereas, to that end, there should be a requirement that fishery products be graded on the basis of size categories determined according to weight or, in some individual cases, according to size;

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Whereas the common marketing standards apply when all the products concerned, of Community origin or from third countries, intended for human consumption, are being sold for the first time on Community territory; whereas the standards apply without prejudice to health rules or rules adopted as part of stock conservation measures; whereas it is especially important to recall the primary importance, in all circumstances, of any minimum biological sizes in force, as against the minimum sizes determined for fishery products by the common marketing standards;

Whereas the application of the common marketing standards to products coming from third countries means that additional information must be shown on packaging; whereas this information need not be shown, however, where the products are brought into the Community by vessels flying the flag of a third country under the same conditions as Community catches;

Whereas, in view of normal practice in most Member States, it is advisable that the industry should grade fishery products for freshness and size; whereas, with a view in particular to assessing freshness on the basis of organoleptic criteria, provision should be made for the collaboration of experts appointed for this purpose by the trade organizations concerned;

Whereas, in order to keep each other informed, each Member State should supply the other Member States and the Commission with a list of the names and addresses of the experts and trade organizations concerned,

HAS ADOPTED THIS REGULATION:

A.

General provisions

Article 1

1 This Regulation lays down, for certain fishery products, common marketing standards as provided for in Article 2 of Regulation (EEC) No 3759/92, hereinafter called the 'basic Regulation'.

2 For the purpose of this Regulation:

- | | |
|------------------------|---|
| (a) 'marketing' | shall mean the first offer for sale and/or the first sale, on Community territory, for human consumption; |
| (b) 'lot' | shall mean a quantity of fishery products of a given species which has been subjected to the same treatment and may have come from the same fishing grounds and the same vessel; |
| (c) 'fishing grounds' | shall be interpreted as the customary name given by the fishing industry to the place in which catches have been taken; |
| (d) 'presentation' | shall mean the form in which the fish is marketed, such as whole, gutted, headless, etc.; |
| (e) 'visible parasite' | shall mean a parasite or a group of parasites which has dimension, colour or texture which is clearly distinguishable from fish tissues and can be seen without optical means of magnifying and under good light conditions for human vision. |

3

- a The provisions of this Regulation relating to the freshness categories for fishery products shall apply without prejudice to the requirements of Council Directive 91/493/

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EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽⁴⁾.

- b Pending the adoption of a Commission Decision under Directive 91/493, the criteria for fish which is unfit for human consumption are set out in the 'not admitted' category in Annex I to this Regulation:

Article 2

1 Fishery products, as specified in Article 3, of Community origin or from third countries, may be marketed only if they meet the requirements of this Regulation.

2 This Regulation shall not, however, apply to small quantities of products disposed of directly to retailers or consumers by inshore fishermen.

3 Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 32 of the basic Regulation.

Article 3

1 Common marketing standards are hereby laid down for the following products:

- a Saltwater fish falling under CN code 0302:
- plaice (*Pleuronectes platessa*),
 - albacore or longfinned tuna (*Thunnus alalunga*),
 - bluefin tuna (*Thunnus thynnus*),
 - bigeye tuna (*Thunnus* or *Parathunnus obesus*),
 - herring of the species *Clupea harengus*,
 - cod of the species *Gadus morhua*,
 - sardine of the species *Sardina pilchardus*,
 - haddock (*Melanogrammus aeglefinus*),
 - saithe (*Pollachius virens*),
 - pollack (*Pollachius pollachius*),
 - mackerel of the species *Scomber scombrus*,
 - mackerel of the species *Scomber japonicus*,
 - horse mackerel (*Trachurus spp.*),
 - dogfish (*Squalus acanthias* and *Scyliorhinus spp.*),
 - redfish (*Sebastes spp.*),
 - whiting (*Merlangius merlangus*),
 - blue whiting (*Micromestistius poutassou* or *Gadus poutassou*),
 - ling (*Molva spp.*),
 - anchovy (*Engraulis spp.*),
 - hake of the species *Merluccius merluccius*,
 - megrim (*Lepidorhombus spp.*),
 - Ray's bream (*Brama spp.*),
 - anglerfish (*Lophius spp.*),
 - dab (*Limanda limanda*),
 - lemon sole (*Microstomus kitt*),
 - pouting (*Trisopterus luscus*), and poor cod/Mediterranean cod (*Trisopterus minutus*),
 - bogue (*Boops boops*)
 - picarel (*Maena smaris*),

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- conger (*Conger conger*),
 - gurnard (*Trigla spp.*),
 - mullet (*Mugil spp.*),
 - skate (*Raja spp.*),
 - Common flounder (*Platichthys flesus*),
 - sole (*Solea spp.*),
 - scabbardfish (*Lepidopus caudatus* and *Aphanopus carbo*)^[F1],
 - ^[F2]Striped or red mullet (*Mullus barbatus*, *Mullus surmuletus*),
 - Black sea bream (*Spondyliosoma cantharus*)^[F3],
 - ^[F4]Sprat (*Sprattus sprattus*);]
 - b Crustaceans falling under CN code 0306 whether presented live, fresh or chilled, or cooked by steaming or by boiling in water:
 - shrimps (*Crangon crangon*) and pandalid shrimps (*Pandalus borealis*),
 - edible crabs (*Cancer pagurus*),
 - norway lobsters (*Nephrops norvegicus*);
 - c — Cephalopods falling under CN code 0307:
 - cuttlefish (*Sepia officinalis* and *Rossia macrosoma*)^[F1];
 - ^[F2]d Common scallop and other aquatic invertebrates falling within code NC 0307:
 - Common scallop (*Pecten maximus*),
 - Common whelk (*Buccinum undatum*).]
- 2 The marketing standards referred to in paragraph 1 shall comprise:
- a freshness categories; and
 - b size categories.

Textual Amendments

- F1** Substituted by Council Regulation (EC) No 2578/2000 of 17 November 2000 amending Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products.
- F2** Inserted by Council Regulation (EC) No 2578/2000 of 17 November 2000 amending Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products.
- F3** Substituted by Commission Regulation (EC) No 790/2005 of 25 May 2005 amending Council Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products.
- F4** Inserted by Commission Regulation (EC) No 790/2005 of 25 May 2005 amending Council Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products.

B.

Freshness categories

Article 4

1 The freshness category of each lot shall be determined on the basis of the freshness of the product and a number of additional requirements.

Freshness shall be defined by reference to the special ratings for different types of products set out in Annex I.

2 On the basis of the ratings referred to in paragraph 1, products as specified in Article 3 shall be classified by lot in one of the following freshness categories:

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- a Extra, A or B in the case of fish, selachii, cephalopods and Norway lobsters;
- b Extra or A in the case of shrimps.

However, live Norway lobsters shall be classified in category E.

[^{F13} The crab, common scallop and common whelk referred to in Article 3 shall not be classified according to specific standards of freshness.]

However, only whole crabs, excluding berried females or soft-shelled crabs, may be marketed.

Textual Amendments

- F1** Substituted by [Council Regulation \(EC\) No 2578/2000 of 17 November 2000 amending Regulation \(EC\) No 2406/96 laying down common marketing standards for certain fishery products.](#)

Article 5

1 Each lot must contain products of the same degree of freshness. A small lot need not, however, be of uniform freshness; if it is not, the lot shall be placed in the lowest freshness category represented therein.

2 The freshness category must be clearly and indelibly marked, in characters which are at least 5 cm high, on labels affixed to the lot.

Article 6

1 Fish, selachii, cephalopods and Norway lobster as specified in Article 3 placed by lot in category B shall be ineligible, insofar as that lot is concerned, for the financial assistance granted in respect of withdrawal as provided for in Articles 12, 12 (a), 14 and 15 of the basic Regulation.

2 Fish, selachii, cephalopods and Norway lobster in freshness category Extra must be free of pressure marks, injuries, blemishes and bad discolouration.

3 Fish, selachii, cephalopods and Norway lobster in freshness category A must be free or blemishes and bad discolouration. A very small proportion with slight pressure marks and superficial injuries shall be tolerated.

4 For fish, selachii, cephalopods and Norway lobster in freshness category B, a small proportion with more serious pressure marks and superficial injuries shall be tolerated. Fish must be free of blemishes and bad discolouration.

5 When products are being classified by freshness category, without prejudice to the health rules applicable, the presence of visible parasites and their possible effect on the quality of the product shall also be taken into consideration, allowance being made for the type of product and its presentation.

6 Detailed rules for the application of this Article shall be adopted, where necessary, in accordance with the procedure laid down in Article 32 of the basic Regulation.

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C.

Size categories

Article 7

[^{F1} The products referred to in Article 3 shall be sized by weight or by number per kilogram. Shrimps and crabs, however, shall be graded in size categories by width of shell; common scallops and common whelks shall be graded in size categories by width of shell.]

2 The minimum sizes established by this Regulation, in accordance with the scale set out in Annex II, shall apply without prejudice to the minimum lengths required under:

- Council Regulation (EEC) No 1866/86 of 12 June 1986 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound⁽⁵⁾,
- Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources⁽⁶⁾,
- Council Regulation (EEC) No 1626/94 of 27 June 1994 laying down certain technical measures for the conservation of fishery resources in the Mediterranean⁽⁷⁾.

For the purposes of control by the competent authorities, the species covered by marketing standards shall respect the minimum biological sizes as laid down and which are set out in Annex II.

Textual Amendments

- F1** Substituted by [Council Regulation \(EC\) No 2578/2000 of 17 November 2000 amending Regulation \(EC\) No 2406/96 laying down common marketing standards for certain fishery products.](#)

Article 8

1 Lots shall be placed in size categories in accordance with the scale set out in Annex II.

2 Each lot must contain products of the same size. A small lot need not, however, be of uniform size; if it is not of uniform size, the lot shall be placed in the lowest size category represented therein.

3 The size category and presentation must be clearly and indelibly marked, in characters which are at least 5 cm high, on labels affixed to the lot.

The net weight in kilograms shall be clearly and legibly marked on each lot. Where lots are put up for sale in standard boxes, the net weight need not be shown if the contents of the box are shown, when weighed before being put up for sale, to correspond to the presumed contents expressed in kilograms.

4 Detailed rules for the application of this Article, in particular as regards the method of weighing and the determination of a variation in the net weight, above or below that marked or presumed, permitted for each lot, shall be adopted in accordance with the procedure laid down in Article 32 of the basic Regulation.

Article 9

Pelagic species may be graded in the different categories of freshness and size on the basis of a system of sampling. This system must ensure that the freshness and size of the products contained in the lot are as uniform as possible.

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Detailed rules for the application of this Article, in particular for determining the number of samples to be taken, the weight or volume of fish in each sample, and the methods for assessing the grading and verifying the weight of lots offered for sale shall be adopted in accordance with the procedure laid down in Article 32 of the basic Regulation.

Article 10

In order to ensure local or regional supplies of shrimps and crabs for certain coastal zones of the Community, exemptions from the minimum sizes specified for these products in Annex II may be adopted.

The zones in question shall be determined and the corresponding marketing sizes adopted in accordance with procedure laid down in Article 32 of the basic Regulation.

D.

D. Products from third countries

Article 11

1 Without prejudice to Article 2 (1), products as specified in Article 3 imported from third countries may be marketed only if they are presented in packages on which the following information is clearly and legibly marked:

- country of origin, printed in Roman letters at least 20 mm high,
- scientific name of product and its trade name,
- presentation,
- freshness and size categories,
- net weight in kilograms of products in the package,
- date of grading and date of dispatch,
- name and address of consignor.

2 However, products as specified in Article 3 landed in a Community port direct from the fishing grounds from vessels flying the flag of a third country, and intended for marketing, shall be subject to the same provisions as those applicable to Community catches, without prejudice to Regulation (EC) No 1093/94⁽⁸⁾.

E.

Final provisions

Article 12

1 The fishing industry shall grade fishery products for freshness categories Extra, A and B and size in collaboration with experts designated for that purpose by the trade organizations concerned. Member States shall carry out controls to ensure compliance with the provisions of this Article.

2 Should the grading not be carried out according to the procedure provided for in paragraph 1, the competent national authorities may undertake this grading themselves.

Article 13

Each Member State shall provide the other Member States and the Commission, not later than one month before this Regulation enters into force, with a list of the names

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and addresses of the experts and trade organizations referred to in Article 12. The other Member States and the Commission shall be informed of any amendments to the list.

Article 14

Before 31 December 2001, the Commission shall submit to the Council a report on the results of the application of Article 6 (1) of this Regulation, accompanied, if need be, by appropriate proposals.

Article 15

Regulations (EEC) No 103/76 and (EEC) No 104/76 are hereby repealed. References to those Regulations shall be understood to apply to this Regulation.

Article 16

1 This Regulation shall enter into force on 1 January 1997.

2 Notwithstanding paragraph 1, the provisions of Article 6 (1) shall apply as from 1 January 2000.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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ANNEX I

FRESHNESS RATINGS

The ratings established in this Annex apply to the following products or groups of products, by reference to appraisal criteria specific to each of them.

A. Whitefish

Haddock, cod, saithe, pollack, redfish, whiting, ling, hake, Ray's bream, anglerfish, pouting and poor cod, bogue, picarel, conger, gurnard, mullet, plaice, megrim, sole, dab, lemon sole, flounder, scabbard fish.

B. Bluefish

Albacore or longfinned tuna, bluefin tuna, bigeye tuna, blue whiting, herring, sardines, mackerel, horse mackerel, anchovy^[F4], sprat].

C. Selachii

Dogfish, skate.

D. Cephalopods

Cuttlefish.

E. Crustaceans

1. Shrimps,

2. Norway lobster.

A. WHITEFISH

| | Criteria | | | |
|-------------------|--|--|--|--|
| | Freshness category | | | Not admitted ^a |
| | Extra | A | B | |
| Skin | Bright, iridescent pigment (save for redfish) or opalescent; no discolouration | Pigmentation bright but not lustrous | Pigmentation in the process of becoming discoloured and dull | Dull pigmentation ^b |
| Skin mucus | Aqueous, transparent | Slightly cloudy | Milky | Yellowish grey, opaque mucus |
| Eye | Convex (bulging); black, bright pupil; transparent cornea | Convex and slightly sunken; black dull pupil; slightly opalescent cornea | Flat; opalescent cornea; opaque pupil | Concave in the centre; grey pupil; milky cornea ^b |

^a This column will apply only until a Commission Decision is taken establishing criteria for fish which is unfit for human consumption, pursuant to Council Directive 91/493/EEC.

^b Or in a more advanced state of decay.

^c Fresh fish prior to the onset of rigor mortis will not be firm and elastic but will still be graded in category Extra.

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| | | | | |
|---|--|---|--|---|
| Gills | Bright colour; no mucus | Less coloured; transparent mucus | Brown/grey becoming discoloured; thick, opaque mucus | Yellowish; milky mucus ^b |
| Peritoneum (in gutted fish) | Smooth; bright; difficult to detach from flesh | Slightly dull; can be detached from flesh | Speckled; comes away easily from flesh | Does not stick ^b |
| Smell of gills and abdominal cavity | | | | ^b |
| — whitefish other than plaice | Seaweedy | No smell of seaweed; neutral smell | Fermented; slightly sour | Sour |
| — plaice | Fresh oily; peppery; earthy smell | Oily; seaweedy or slightly sweetish | Oily; fermented; stale, slightly rancid | Sour |
| Flesh | Firm and elastic; smooth surface ^c | Less elastic | Slightly soft (flaccid), less elastic; waxy (velvety) and dull surface | Soft (flaccid) ^b ; scales easily detached from skin, surface rather wrinkled |
| Extra criteria for headed anglerfish | | | | |
| Blood vessels (ventral muscles) | Sharp outline and bright red | Sharp outline; darkening of the blood | Diffuse and brown | Totally ^b diffuse, brown and yellowing of the flesh |

^a This column will apply only until a Commission Decision is taken establishing criteria for fish which is unfit for human consumption, pursuant to Council Directive 91/493/EEC.

^b Or in a more advanced state of decay.

^c Fresh fish prior to the onset of rigor mortis will not be firm and elastic but will still be graded in category Extra.

B. BLUEFISH

| | Criteria | | | Not admitted^a |
|--------------|---|----------|----------|---------------------------------|
| | Freshness category | | | |
| | Extra | A | B | |
| ^a | This column will apply only until a Commission Decision is taken establishing criteria for fish which is unfit for human consumption, pursuant to Council Directive 91/493/EEC. | | | |
| ^b | For herring and mackerel preserved in cool seawater (either chilled by ice (CSW) or refrigerated by mechanical means (RSW)) complying with the requirements laid down in Directive 92/48/EEC (OJ No L 187, 7. 7. 1992, p. 41) Annex II, point 8, the following freshness categories apply: — criterion A applies for Extra and A categories. | | | |
| ^c | Or in a more advanced state of decay. | | | |
| ^d | Iced fish goes rancid before stale, CSW/RSW fish goes stale before rancid. | | | |

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| | | | | |
|---|--|---|--|--|
| Skin^b | Bright pigmentation, bright, shining iridescent colours; clear distinction between dorsal and central surfaces | Loss of lustre and shine; duller colours; less difference between dorsal and ventral surfaces | Dull, lustreless, insipid colours; skin creased when fish curved | Very dull pigmentation; skin coming away from flesh ^c |
| Skin mucus | Aqueous, transparent | Slightly cloudy | Milky | Yellowish grey, opaque mucus ^c |
| Consistency of flesh^b | Very firm, rigid | Fairly rigid, firm | Slightly soft | Soft (flaccid) ^c |
| Gill covers | Silvery | Silvery, slightly red or brown | Brownish and extensive seepage of blood from vessels | Yellowish ^c |
| Eye | Convex, bulging; blue-black bright pupil, transparent 'eyelid' | Convex and slightly sunken; dark pupil; slightly opalescent cornea | Flat; blurred pupil; blood seepage around the eye | Concave in the centre; grey pupil; milky cornea ^c |
| Gills^b | Uniformly dark red to purple. No mucus | Less bright colour, paler at edges. Transparent mucus | Becoming thick discoloured opaque mucus | Yellowish; milky mucus ^c |
| Smell of gills | Fresh seaweed; pungent; iodine | No smell or seaweed. Neutral smell | Slightly sulphureous ^d fatty smell, rancid bacon cuttings or rotten fruit | Rotten sour ^c |

a This column will apply only until a Commission Decision is taken establishing criteria for fish which is unfit for human consumption, pursuant to Council Directive 91/493/EEC.

b For herring and mackerel preserved in cool seawater (either chilled by ice (CSW) or refrigerated by mechanical means (RSW)) complying with the requirements laid down in Directive 92/48/EEC (OJ No L 187, 7. 7. 1992, p. 41) Annex II, point 8, the following freshness categories apply:
— criterion A applies for Extra and A categories.

c Or in a more advanced state of decay.

d Iced fish goes rancid before stale, CSW/RSW fish goes stale before rancid.

C. SELACHII

| | Criteria | | | Not admitted⁰ |
|--|---------------------------|----------|----------|---------------------------------|
| | Freshness category | | | |
| | Extra | A | B | |

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| | | | | |
|-------------------|--|--|--|--|
| Eye | Convex, very bright and iridescent; small pupils | Convex and slightly sunken; loss of brightness and iridescence, oval pupils | Flat, dull | Concave yellowish ⁰ |
| Appearance | In rigor mortis or partially in rigor; small quantity of clear mucus present on skin | Beyond rigor stage; no mucus on skin and especially in mouth and gill openings | Some mucus in mouth and on gill openings; slightly flattened jaw | Large quantities of mucus in mouth and on gill openings ⁰ |
| Smell | Seaweed smell | No smell or very slight stale but not an ammonia smell | Slight ammonia; sour | Pungent ammonia smell ⁰ |

Specific or additional criteria for skate

| | Extra | A | B | Not admitted |
|-----------------------------|--|---|--|--|
| Skin | Bright, iridescent and shiny pigmentation, aqueous mucus | Bright pigmentation, aqueous mucus | Pigmentation in the process of becoming discoloured and dull, opaque mucus | Discolouration, skin creased, thick mucus |
| Texture of the flesh | Firm and elastic | Firm | Soft | Flaccid |
| Aspect | Edge of the fins translucent and curved | Stiff fins | Soft | Drooping |
| Belly | White and shiny with a mauvish edge around the fins | White and shiny with red patches limited to around the fins | White and dull, with numerous red or yellow patches | Yellow to greenish bellies red patches in the flesh itself |

a This column will apply only until a Commission Decision is taken establishing criteria for fish which is unfit for human consumption, pursuant to Council Directive 91/493/EEC.

b Or in a more advanced state of decay.

D. CEPHALOPODS

| | Criteria | | |
|-------------|---|---|---|
| | Freshness category | | |
| | Extra | A | B |
| Skin | Bright pigmentation, skin sticks to flesh | Dull pigmentation; skin sticks to flesh | Discoloured; easily detached from flesh |

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| | | | |
|------------------|-------------------------|----------------------|--|
| Flesh | Very firm; pearly white | Firm; chalky white | Slightly soft; pinky white or slightly yellowing |
| Tentacles | Resistant to removal | Resistant to removal | More easily removed |
| Smell | Fresh; seaweed | Slightly or no smell | Ink smell |

E. CRUSTACEANS

1.

SHRIMPS

| | Criteria | |
|---|---|---|
| | Freshness category | |
| | Extra | A |
| Minimum requirements | <ul style="list-style-type: none"> — Surface of shell: moist and shiny — Shrimps must fall out separately when transferred from one container to another — Flesh must be free from any foreign odour — Shrimps must be free from sand, mucus and other foreign bodies | The same as for Extra category |
| Appearance of: | | |
| 1. shrimp with shell | Clear reddish-pink in colour with small white flecks; pectoral part of shell predominantly light in colour | — Ranging in colour from slightly washed-out reddish-pink to bluish-red with white flecks; pectoral part of shell should be light coloured tending towards grey |
| 2. deep-water prawn | Uniformly pink | — Pink with possibility of start of blackening of head |
| Condition of flesh during and after shelling | <ul style="list-style-type: none"> — Shells easily with only technically unavoidable losses of flesh — Firm but not tough | <ul style="list-style-type: none"> — Shells less easily with small losses of flesh — Less firm, slightly tough |
| Fragments | Occasional fragments of shrimp allowed | Small quantity of fragments of shrimp allowed |
| Smell | Fresh seaweed, slightly sweet smell | Acidulous; no smell of seaweed |

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2.

NORWAY LOBSTER

| | Criteria | | |
|----------------------|--|--|--|
| | Freshness category | | |
| | Extra | A | B |
| Shell | Pale pink or pink to orange-red | Pale pink or pink to orange-red; no black spots | Slight discoloration; some black spots and greyish colour, particularly on shell and between tail segments |
| Eye and gills | Shiny black eyes; pink gills | Eyes dull and grey/black; gills greyish | Gills dark grey or some greenish colour on dorsal surface of shell |
| Smell | Characteristic mild shellfish smell | Loss of characteristic shellfish smell. No ammonia smell | Slightly sour |
| Flesh (tail) | Translucent and blue in colour tending towards white | No longer translucent but not discoloured | Opaque and dull in appearance |

ANNEX II

SIZE CATEGORIES

| Scale of weights | | | | Minimum sizes to be observed in the conditions laid down in the Regulations referred to in Article 7 | | |
|------------------|--|----------------------|--------------------------------|--|-------------------|--------------|
| Species | Size | Kg/fish ^a | Number of fish/kg ^b | Region | Geographical area | Minimum size |
| a | The categories of weights include fish from the lower limit up to, but excluding, the upper limit. | | | | | |
| b | For mackerel of both species, number of fish/25 kg. | | | | | |
| c | This table shall apply until 31 December 1997. | | | | | |
| d | This table shall apply from 1 January 1998. | | | | | |
| e | Width of shell. | | | | | |
| f | Width of shell at the widest point. | | | | | |
| g | Except Skagerrak and Kattegat. | | | | | |
| h | Skagerrak and Kattegat. | | | | | |
| i | Length of shell. | | | | | |
| j | Overall length. | | | | | |

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| | | | | | | |
|--|------|----------------|-----------|---|-------------------|-------|
| I ^{F5} Atlantic herring (<i>Clupea harengus</i>) | 1 | 0,250 and over | 4 or less | 1 | ICES Vb (EC zone) | 20 cm |
| | 2 | 0,125 to 0,250 | 5 to 8 | 2 | | 20 cm |
| | 3 | 0,085 to 0,125 | 9 to 11 | | (a) | 18 cm |
| | 4(a) | 0,050 to 0,085 | 12 to 20 | 3 | (b) | 20 cm |
| Baltic herring (<i>Clupea harengus</i>) caught and landed, south of 59° 30' | 4(b) | 0,036 to 0,085 | 12 to 27 | | | |
| Baltic herring (<i>Clupea harengus</i>) caught and landed, north of 59° 30' | 4(c) | 0,057 to 0,085 | 12 to 17 | | | |
| | 5 | 0,031 to 0,057 | 18 to 32 | | | |
| | 6 | 0,023 to 0,031 | 33 to 44 | | | |
| Baltic herring (<i>Clupea harengus</i>) caught and landed in waters under the sovereignty and jurisdiction | 7(a) | 0,023 to 0,036 | 28 to 44 | | | |
| | 7(b) | 0,014 to 0,023 | 45 to 70 | | | |

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b For mackerel of both species, number of fish/25 kg.

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e Width of shell.

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| | | | | | | |
|---|---|------------------|------------|---|--|---------------|
| of Estonia and Latvia | | | | | | |
| Baltic herring (<i>Clupea harengus</i>) caught and landed in the Gulf of Riga | 8 | 0,010 to 0,014 | 71 to 100 | | | j |
| Sardines (<i>Sardina pilchardus</i>) | 1 | 0,067 and over | 15 or less | | | not yet fixed |
| | 2 | 0,042 to 0,067 | 16 to 24 | | | |
| | 3 | a 0,028 to 0,042 | 25 to 35 | | | |
| | 4 | 0,015 to 0,028 | 36 to 67 | | | |
| Mediterranean | | 0,011 to 0,028 | 36 to 91 | | | |
| Spotted dogfish (<i>Scyliorhinus spp.</i>) | 1 | 2 and over | — | | | — |
| | 2 | 1 to 2 | | | | |
| | 3 | 0,5 to 1 | | | | |
| Piked dogfish (<i>Squalus acanthias</i>) | 1 | 2,2 and over | — | | | — |
| | 2 | 1 to 2,2 | | | | |
| | 3 | 0,5 to 1 | | | | |
| Redfish (<i>Sebastes spp.</i>) | 1 | 2 and over | — | | | — |
| | 2 | 0,6 to 2 | | | | |
| | 3 | 0,35 to 0,6 | | | | |
| Cod | 1 | 7 and over | — | 1 | | 35 cm |

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d This table shall apply from 1 January 1998.

e Width of shell.

f Width of shell at the widest point.

g Except Skagerrak and Kattegat.

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| | | | | | | |
|---|---|--------------|---|--------|--------------------|---------------|
| <i>(Gadus morhua)</i> | 2 | 4 to 7 | | 2 | g | 35 cm |
| | 3 | 2 to 4 | | | h | 30 cm |
| | 4 | 1 to 2 | | 3 | | 35 cm |
| | 5 | 0,3 to 1 | | Baltic | South of 59°30' N | 35 cm |
| <i>Saithe (Pollachius virens)</i> | 1 | 5 and over | — | 1 | | 35 cm |
| | 2 | 3 to 5 | | 2 | g | 35 cm |
| | 3 | 1,5 to 3 | | | h | 30 cm |
| | 4 | 0,3 to 1,5 | | 3 | | 35 cm |
| | | | | Baltic | South of 59°30' N | 30 cm |
| <i>Haddock (Melanogrammus aeglefinus)</i> | 1 | 1 and over | — | 1 | ICES Vb) (EC-zone) | 30 cm |
| | 2 | 0,57 to 1 | | 2 | g | 30 cm |
| | 3 | 0,37 to 0,57 | | | h | 27 cm |
| | 4 | 0,17 to 0,37 | | 3 | | 30 cm |
| <i>Whiting (Merlangius merlangus)</i> | 1 | 0,5 and over | — | 1 | | 27 cm |
| | 2 | 0,35 to 0,5 | | 2 | g | 23 cm |
| | 3 | 0,25 to 0,35 | | | h | 23 cm |
| | 4 | 0,11 to 0,25 | | 3 | | 23 cm |
| <i>Ling (Molva spp.)</i> | 1 | 5 and over | — | 1 | | — |
| | 2 | 3 to 5 | | 2 | g | not yet fixed |
| | 3 | 1,2 to 3 | | | h | — |
| | | | | 3 | | 63 cm |

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b For mackerel of both species, number of fish/25 kg.

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e Width of shell.

f Width of shell at the widest point.

g Except Skagerrak and Kattegat.

h Skagerrak and Kattegat.

i Length of shell.

j Overall length.

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| | | | | | | |
|---|---|----------------|------------|---|------------------------------|-------|
| Mackerel of the species <i>Scomber scombrus</i> Mediterranean | 1 | 0,5 and over | 50 or less | 1 | | 20 cm |
| | 2 | 0,2 to 0,5 | 51 to 125 | 2 | Except North Sea | 20 cm |
| | 3 | 0,1 to 0,2 | 126 to 250 | | North Sea | 30 cm |
| | | 0,08 to 0,2 | 126 to 325 | 3 | | 20 cm |
| | | | | 5 | | 20 cm |
| | | | | | Mediterranean | 18 cm |
| Mackerel of the species <i>Scomber japonicus</i> | 1 | 0,5 and over | — | | | — |
| | 2 | 0,25 to 0,5 | | | | |
| | 3 | 0,14 to 0,25 | | | | |
| | 4 | 0,05 to 0,14 | | | | |
| Anchovy (<i>Engraulis spp.</i>) | 1 | 0,033 and over | 30 or less | 3 | except ICES IXa) | 12 cm |
| | 2 | 0,020 to 0,033 | 31 to 50 | 3 | ICES IXa) | 10 cm |
| | 3 | 0,012 to 0,020 | 51 to 83 | | Mediterranean | 9 cm |
| | 4 | 0,008 to 0,012 | 84 to 125 | | | |
| Plaice (<i>Pleuronectes platessa</i>) | 1 | 0,6 and over | — | 1 | | 25 cm |
| | 2 | 0,4 to 0,6 | | 2 | g | 25 cm |
| | 3 | 0,3 to 0,4 | | | h | 27 cm |
| | 4 | 0,15 to 0,3 | | | North Sea | 27 cm |
| | | | | 3 | | 25 cm |
| | | | | | Baltic subdivisions 22 to 25 | 25 cm |

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b For mackerel of both species, number of fish/25 kg.

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d This table shall apply from 1 January 1998.

e Width of shell.

f Width of shell at the widest point.

g Except Skagerrak and Kattegat.

h Skagerrak and Kattegat.

i Length of shell.

j Overall length.

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| | | | | | | |
|--|---|------------------|---|---|---|------------------|
| | | | | | subdivisions 26 to 28 | 21 cm |
| | | | | | subdivisions 29 South of 59°30' N | 18 cm |
| Hake (<i>Merluccius merluccius</i>) | 1 | 2,5 and over | — | 1 | | 30 cm |
| | 2 | 1,2 to 2,5 | | 2 | g | 30 cm |
| | 3 | 0,6 to 1,2 | | | h | 30 cm |
| | 4 | 0,28 to 0,6 | | 3 | | 27 cm |
| | 5 | 0,2 to 0,28 | | | Mediterranean | 20 cm |
| Mediterranean | | 0,15 to 0,28 | | | | |
| Megrim (<i>Lepidorhombus spp.</i>) | 1 | 0,45 and over | — | 1 | | 25 cm |
| | 2 | 0,25 to 0,45 | | 2 | g | 25 cm |
| | 3 | 0,20 to 0,25 | | | h | 25 cm |
| | 4 | 0,11 to 0,20 | | 3 | | 20 cm |
| Mediterranean | | 0,05 to 0,20 | | | | |
| Ray's bream (<i>Brama spp.</i>) | 1 | 0,8 and over | — | | | — |
| | 2 | 0,2 to 0,8 | | | | |
| Anglerfish (<i>Lophius spp.</i>) whole, guttled | 1 | 8 and over | — | 1 | | — |
| | 2 | 4 to 8 | | 2 | g | not yet fixed |
| | 3 | 2 to 4 | | | h | — |
| | 4 | 1 to 2 | | 3 | | not yet fixed |
| | 5 | 0,5 to 1 | | | Mediterranean | 30 cm |

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| | | | | | | |
|---|---|---------------|---|---|---------------|-----------------|
| Anglerfish (<i>Lophius spp.</i>) head removed | 1 | 4 and over | — | | | — |
| | 2 | 2 to 4 | | | | |
| | 3 | 1 to 2 | | | | |
| | 4 | 0,5 to 1 | | | | |
| | 5 | 0,2 to 0,5 | | | | |
| Dab (<i>Limanda limanda</i>) | 1 | 0,25 and over | — | 1 | | 15 cm |
| | 2 | 0,13 to 0,25 | | 2 | g | 15 cm |
| | | | | | h | 23 cm |
| | | | | | North Sea | 23 cm |
| | | | | 3 | | 23 cm |
| Lemon sole (<i>Microstomus kitt</i>) | 1 | 0,6 and over | — | 1 | | 25 cm |
| | 2 | 0,35 to 0,6 | | 2 | g | 25 cm |
| | 3 | 0,18 to 0,35 | | | h | 25 cm |
| | | | | 3 | | 25 cm |
| Albacore or long-finned tuna (<i>Thunnus alalunga</i>) | 1 | 4 and over | — | | | — |
| | 2 | 1,5 to 4 | | | | |
| Blue-fin tuna (<i>Thunnus thynnus</i>) | 1 | 70 and over | — | | Mediterranean | 70 cm or 6,4 kg |
| | 2 | 50 to 70 | | | | |
| | 3 | 25 to 50 | | | | |
| | 4 | 10 to 25 | | | | |
| | 5 | 6,4 to 10 | | | | |
| Big-eye tuna | 1 | 10 and over | — | | | — |
| | 2 | 3,2 to 10 | | | | |

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e Width of shell.

f Width of shell at the widest point.

g Except Skagerrak and Kattegat.

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| | | | | | | |
|---|---|---------------|------------|---|---|---------------|
| <i>(Thunnus obesus)</i> | | | | | | |
| Pollack <i>(Pollachius pollachius)</i> | 1 | 5 and over | — | 1 | | — |
| | 2 | 3 to 5 | | 2 | g | 30 cm |
| | 3 | 1,5 to 3 | | | h | — |
| | 4 | 0,3 to 1,5 | | 3 | | 30 cm |
| Blue whiting <i>(Micromesistius poutassou or Gadus poutassou)</i> | 1 | — | 7 or less | | | — |
| | 2 | | 8 to 14 | | | |
| | 3 | | 15 to 25 | | | |
| | 4 | | 26 to 30 | | | |
| Pouting <i>(Trisopterus luscus)</i> and Poor cod <i>(Trisopterus minutus)</i> | 1 | 0,4 and over | — | 3 | | not yet fixed |
| | 2 | 0,25 to 0,4 | | | | |
| | 3 | 0,125 to 0,25 | | | | |
| | 4 | 0,05 to 0,125 | | | | |
| Boghe <i>(Boops boops)</i> | 1 | — | 5 or less | | | — |
| | 2 | | 6 to 31 | | | |
| | 3 | | 32 to 70 | | | |
| Picarel <i>(Maena sararis)</i> | 1 | — | 20 or less | | | — |
| | 2 | | 21 to 40 | | | |
| | 3 | | 41 to 90 | | | |
| Conger eel <i>(Conger conger)</i> | 1 | 7 and over | — | 1 | | — |
| | 2 | 5 to 7 | | 2 | g | 58 cm |
| | 3 | 0,5 to 5 | | | h | — |
| | | | | 3 | | 58 cm |

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| | | | | | | |
|---|---|-------------------------|---|---|---------------|-------|
| Gurnard (<i>Trigla spp.</i>) Tub gurnard | 1 | 1 and over | — | | | — |
| | 2 | 0,4 to 1 | | | | |
| | 3 | 0,2 to 0,4 | | | | |
| | 4 | 0,06 to 0,2 | | | | |
| Other Gurnard | 1 | 0,25 and over | | | | |
| | 2 | 0,2 — 0,25 | | | | |
| Horse mackerel (<i>Trachurus spp.</i>) | 1 | 0,6 and over | — | 1 | | 15 cm |
| | 2 | 0,4 to 0,6 | | 2 | | 15 cm |
| | 3 | 0,2 to 0,4 | | 3 | | 15 cm |
| | 4 | 0,08 to 0,2 | | 5 | | 15 cm |
| | 5 | 0,02 to 0,08 | | | Mediterranean | 12 cm |
| Mullet (<i>Mugil spp.</i>) | 1 | 1 and over | — | 1 | | — |
| | 2 | 0,5 to 1 | | 2 | g | 20 cm |
| | 3 | 0,2 to 0,5 | | | h | — |
| | 4 | 0,1 to 0,2 | | 3 | | 20 cm |
| | | | | | Mediterranean | 16 cm |
| Skate (<i>Raja spp.</i>) | 1 | 5 and over | — | | | — |
| | 2 | 3 to 5 | | | | |
| | 3 | 1 to 3 | | | | |
| | 4 | 0,3 to 1 | | | | |
| Skate (<i>wings</i>) | 1 | 3 and over | — | | | — |
| | 2 | 0,5 to 3 | | | | |
| Flounder (<i>Platichthys Flesus</i>) | 1 | over 0,3 | — | 1 | | 24 cm |
| | 2 | 0,2 to 0,3 inclusive | | 2 | g | 24 cm |

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g Except Skagerrak and Kattegat.

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| | | | | | | |
|--|---|---------------------------|---|--------|--|-------|
| | | | | | ^h | 24 cm |
| | | | | 3 | | 24 cm |
| | | | | Baltic | subdivisions 22-25 | 25 cm |
| | | | | | subdivisions 26-28 | 21 cm |
| | | | | | subdivisions 29-32 South of 59°30'N | 18 cm |
| Sole (<i>Solea spp.</i>) | 1 | 0,5 and over | — | 1 | | 24 cm |
| | 2 | 0,33 to 0,5 | | 2 | ^g | 24 cm |
| | 3 | 0,25 to 0,33 | | | ^h | 24 cm |
| | 4 | 0,17 to 0,25 | | 3 | | 24 cm |
| | 5 | 0,12 to 0,17 ^c | | | Mediterranean | 20 cm |
| | 1 | 0,5 and over | | | | |
| | 2 | 0,33 to 0,5 | | | | |
| | 3 | 0,25 to 0,35 | | | | |
| | 4 | 0,2 to 0,25 | | | | |
| | 5 | 0,12 to 0,2 ^d | | | | |
| Frostfish (<i>Lepidopus caudatus</i>) | 1 | 3 and over | — | | | — |
| | 2 | 2 to 3 | | | | |
| | 3 | 1 to 2 | | | | |
| | 4 | 0,5 to 1 | | | | |
| Black scabbardfish | 1 | 3 and over | | | — | |

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|---|---|--------------|-------------|---|---|---------------------|
| (<i>Aphanopus carbo</i>) | 2 | 0,5 to 3 | | | | |
| Cuttlefish (<i>Sepia officinalis</i> and <i>Rossia macrosoma</i>) | 1 | 0,5 and over | — | | | — |
| | 2 | 0,3 to 0,5 | | | | |
| | 3 | 0,1 to 0,3 | | | | |
| Norway lobster (<i>Nephrops norvegicus</i>) | 1 | — | 20 and less | 2 | Skagerrak and Kattegat | 40 mm ⁱ |
| | 2 | | 21 to 30 | | | 130 mm ^j |
| | 3 | | 31 to 40 | 2 | except Scotland Irish Sea | 25 mm ⁱ |
| | 4 | | over 40 | | [ICES VIa) and VIIa)], Skagerrak and Kattegat | 85 mm ⁱ |
| | | | | 2 | Western Scotland and Irish Sea | 20 mm ⁱ |
| | | | | | [ICES VIa) and VIIa)] | 70 mm ⁱ |
| | | | | 3 | | 20 mm ⁱ |
| | | | | | | 70 mm ⁱ |
| | | | | | Mediterranean | 20 mm ⁱ |
| | | | | | 70 mm ⁱ | |
| Norway lobster tails | 1 | — | 60 and less | 2 | Skagerrak and Kattegat | 72 mm |

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| | | | | | | |
|--|----------|------------------------------|--------------|---|--|-------|
| | 2 | | 61 to 120 | | | |
| | 3 | | 121 to 180 | 2 | except Western Scotland, Irish Sea | 46 mm |
| | 4 | | over 180 | | [ICES VIa) and VIIa)], Skagerrak and Kattegat | |
| | | | | 2 | Western Scotland and Irish Sea [ICES VIa) and VIIa)] | 37 mm |
| | | | | 3 | | 37 mm |
| Crangonid shrimps (<i>Crangon crangon</i>) | 1 | 6,8 mm and over ^e | — | | | — |
| | 2 | 6,5 mm and over | | | | |
| Pandalid shrimps (<i>Pandalus borealis</i>) fresh or chilled | One size | — | 250 and less | | | — |
| Pandalid shrimps boiled or steamed | 1 | — | 160 and less | | | — |
| | 2 | | 161 to 250 | | | |
| Edible crab (<i>Cancer pagurus</i>) | 1 | 16 cm and over ^f | — | | | — |

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| | | | | |
|----------|--|-----------------------------|--|--|
| | 2 | 13 to 16 cm ^f | | |
| a | The categories of weights include fish from the lower limit up to, but excluding, the upper limit. | | | |
| b | For mackerel of both species, number of fish/25 kg. | | | |
| c | This table shall apply until 31 December 1997. | | | |
| d | This table shall apply from 1 January 1998. | | | |
| e | Width of shell. | | | |
| f | Width of shell at the widest point. | | | |
| g | Except Skagerrak and Kattegat. | | | |
| h | Skagerrak and Kattegat. | | | |
| i | Length of shell. | | | |
| j | Overall length. | | | |

Textual Amendments

F5 Substituted by [Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.](#)

| [^{F2} Scale of weights | | | | Minimum sizes to be observed in the conditions laid down in the Regulations referred to in Article 7 | | |
|---|----------|------------------------------|-------------------|--|--|---------------------|
| Species | Size | Kg/fish or shell size | Number of fish/kg | Region | Geographical area | Minimum size |
| Common scallop (<i>Pecten maximus</i>) | one size | 10 cm and over ^c | | | Regions 1 to 5 except Skagerrak/ Kattegat and except ICES VIIa north of 52° 30' N and VIId | 100 mm ^a |
| | | | | | ICES VIIa north of 52° 30' N and VIId | 110 mm ^a |
| Common whelk | one size | 4,5 cm and over ^c | | | Regions 1 to 5 except | 45 mm ^a |

a 20Laid down in Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 125, 27.4.1998, p.1). Regulation as last amended by Regulation (EC) No 1298/2000 (OJ L 148, 22.6.2000, p. 1).

b Laid down in Regulation (EC) No 1626/94.

c Shell width, measured at the widest point.]

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| | | | | | | |
|--|-----|--------------------------|--|--|------------------------|-------------------|
| <i>(Buccinum undatum)</i> | | | | | Skagerrak/ Kattegat | |
| Striped or red mullet <i>(Mullus surmuletus, Mullus barbatus)</i> | 1 | 500 g and over | | | | |
| | 2 | 200 g 500 g exclusive | | | | |
| | 3 a | 40 g to 200 g exclusive | | | | |
| Mediterranean ^a b | | 18 g to 200 g exclusive | | | Mediterranean | 1 cm ^b |
| Black sea bream <i>(Spondyliosoma cantharus)</i> | 1 | 800 g and over | | | | |
| | 2 | 500 g to 800 g exclusive | | | | |
| | 3 | 300 g to 500 g exclusive | | | | |
| | 4 | 180 g to 300 g exclusive | | | | |

a Laid down in Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 125, 27.4.1998, p.1). Regulation as last amended by Regulation (EC) No 1298/2000 (OJ L 148, 22.6.2000, p. 1).

b Laid down in Regulation (EC) No 1626/94.

c Shell width, measured at the widest point.]

| [^{F4} Scale of weights | | | | Minimum sizes to be observed in the conditions laid down in the Regulations referred to in Article 7 | | |
|-------------------------------------|------|----------------|---------------|--|-------------------|--------------|
| Species | Size | Kg/fish | No of fish/kg | Region | Geographical area | Minimum size |
| Sprat <i>(Sprattus sprattus)</i> | 1 | 0,004 and over | 250 or less | | |]] |

Status: Point in time view as at 02/06/2005.

Changes to legislation: There are outstanding changes not yet made to Council Regulation(EC) No 2406/96. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- (1) [OJ No L 388, 31. 12. 1992, p. 1.](#) Regulation as last amended by Regulation (EC) No 3318/94 ([OJ No L 350, 31. 12. 1994, p. 15](#)).
- (2) [OJ No L 20, 28. 1. 1976, p. 9.](#) Regulation as last amended by Regulation (EEC) No 1935/93 ([OJ No L 176, 20. 7. 1993, p. 1](#)).
- (3) [OJ No L 20, 28. 1. 1976, p. 35.](#) Regulation as last amended by Regulation (EC) No 1300/93 ([OJ No L 126, 9. 6. 1995, p. 3](#)).
- (4) [OJ No L 268, 24. 9. 1991, p. 15.](#) Directive as last amended by Directive 96/23/EC ([OJ No L 125, 23. 5. 1996, p. 10](#)).
- (5) [OJ No L 162, 18. 6. 1986, p. 1.](#) Regulation as last amended by Regulation (EC) No 1821/96 ([OJ No L 241, 21. 9. 1996, p. 8](#)).
- (6) [OJ No L 288, 11. 10. 1986, p. 1.](#) Regulation as last amended by Regulation (EC) No 3071/95, 22. 12. 1995 ([OJ No L 329, 30. 12. 1995, p. 14](#)).
- (7) [OJ No L 171, 6. 7. 1994, p. 1.](#) Regulation as amended by Regulation (EC) No 1075/96 ([OJ No L 142, 15. 6. 1996, p. 1](#)).
- (8) [OJ No L 121, 12. 5. 1994, p. 3.](#)

Status:

Point in time view as at 02/06/2005.

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