

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

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/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽¹⁾.
- 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*),

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- 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*),
 - 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};]

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- [^{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.

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- (1) [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](#)).

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Changes and effects yet to be applied to :

- Regulation applied (with modifications) by [S.I. 2023/959 reg. 4\(a\)Sch. 1](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. 1(2)(a) words substituted by [S.I. 2019/739 reg. 20\(2\)\(b\)](#)
- Art. 2(3)-(6) substituted for Art. 2(3) by [S.I. 2019/753 reg. 34\(2\)](#)
- Art. 8(4)-(7) substituted for Art. 8(4) by [S.I. 2019/753 reg. 34\(3\)](#)