

Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000

## CHAPTER IV

### CONSUMER INFORMATION

#### *Article 35*

#### **Mandatory information**

1 Without prejudice to Regulation (EU) No 1169/2011, fishery and aquaculture products referred to in points (a), (b), (c) and (e) of Annex I to this Regulation which are marketed within the Union, irrespective of their origin or of their marketing method, may be offered for sale to the final consumer or to a mass caterer only if appropriate marking or labelling indicates:

- a the commercial designation of the species and its scientific name;
- b the production method, in particular by the following words ‘... caught ...’ or ‘... caught in freshwater ...’ or ‘... farmed ...’;
- c the area where the product was caught or farmed, and the category of fishing gear used in capture of fisheries, as laid down in the first column of Annex III to this Regulation;
- d whether the product has been defrosted;
- e the date of minimum durability, where appropriate.

The requirement in point (d) shall not apply to:

- a ingredients present in the final product;
- b foods for which freezing is a technologically necessary step in the production process;
- c fishery and aquaculture products previously frozen for health safety purposes, in accordance with Annex III, Section VIII, of Regulation (EC) No 853/2004;
- d fishery and aquaculture products which have been defrosted before the process of smoking, salting, cooking, pickling, drying or a combination of any of those processes.

2 For non-prepacked fishery and aquaculture products, the mandatory information listed in paragraph 1 may be provided for retail sale by means of commercial information such as billboards or posters.

3 Where a mixed product is offered for sale to the final consumer or to a mass caterer that consists of the same species but which has been derived from different production methods, the method for each batch shall be stated. Where a mixed product is offered for sale to the final consumer or to a mass caterer that consists of the same species but which has been derived from a variety of catch areas or fish-farming countries, at least the area of the batch which is most representative in terms of quantity shall be stated, together with an indication that the products also come from different catch or fish-farming areas.

4 Member States may exempt from the requirements referred to in paragraph 1 small quantities of products sold directly from fishing vessels to consumers, provided that those do not exceed the value referred to in Article 58(8) of Regulation (EC) No 1224/2009.

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**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 1379/2013 of the European Parliament and of the Council. 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) [View outstanding changes](#)

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5 Fishery and aquaculture products and their packages which were labelled or marked prior to 13 December 2014 and which do not comply with this Article may be marketed until such stocks have been used up.

[<sup>F16</sup> Until 31 December 2021, paragraphs 1, 2 and 3 shall not apply to products offered for retail sale to the final consumer in Mayotte, as an outermost region within the meaning of Article 349 TFEU.]

#### Textual Amendments

- F1** Inserted by Council Regulation (EU) No 1385/2013 of 17 December 2013 amending Council Regulations (EC) No 850/98 and (EC) No 1224/2009, and Regulations (EC) No 1069/2009, (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, following the amendment of the status of Mayotte with regard to the European Union.

### Article 36

#### Eco-labelling reporting

After consulting Member States and stakeholders, the Commission shall, by 1 January 2015, submit to the European Parliament and to the Council a feasibility report on options for an eco-label scheme for fishery and aquaculture products, in particular on establishing such a scheme on a Union-wide basis and on setting minimum requirements for the use by Member States of a Union eco-label.

### Article 37

#### Commercial designation

1 For the purposes of Article 35(1), Member States shall draw up and publish a list of the commercial designations accepted in their territory, together with their scientific names. The list shall indicate:

- a the scientific name for each species, in accordance with the FishBase Information System or the ASFIS database of the Food and Agriculture Organization (FAO), where relevant;
- b the commercial designation:
  - (i) the name of the species in the official language or languages of the Member State concerned;
  - (ii) where applicable, any other name or names that are accepted or permitted locally or regionally.

2 All species of fish which constitute an ingredient of another food may be designated as 'fish', provided that the name and presentation of such food does not refer to a specific species.

3 Any changes to the list of commercial designations accepted by a Member State shall be notified forthwith to the Commission which shall inform the other Member States thereof.

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### Article 38

#### **Indication of the catch or production area**

1 The indication of the catch or production area in accordance with point (c) of Article 35(1) shall consist of the following:

- a in the case of fishery products caught at sea, the name in writing of the sub-area or division listed in the FAO fishing areas, as well as the name of such zone expressed in terms understandable to the consumer, or a map or pictogram showing that zone, or, by way of derogation from this requirement, for fishery products caught in waters other than the Northeast Atlantic (FAO Fishing Area 27) and the Mediterranean and Black Sea (FAO Fishing Area 37), the indication of the name of the FAO fishing area;
- b in the case of fishery products caught in freshwater, a reference to the body of water of origin in the Member State or third country of provenance of the product;
- c In the case of aquaculture products, a reference to the Member State or third country in which the product reached more than half of its final weight or stayed for more than half of the rearing period or, in the case of shellfish, underwent a final rearing or cultivation stage of at least six months.

2 In addition to the information referred to in paragraph 1, operators may indicate a more precise catch or production area.

### Article 39

#### **Additional voluntary information**

1 In addition to the mandatory information required pursuant to Article 35, the following information may be provided on a voluntary basis, provided that it is clear and unambiguous:

- a the date of catch of fishery products or the date of harvest of aquaculture products;
- b the date of landing of fishery products or information on the port at which the products were landed;
- c more detailed information on the type of fishing gear, as listed in the second column of Annex III;
- d in the case of fishery products caught at sea, details of the flag State of the vessel that caught those products;
- e environmental information;
- f information of an ethical or social nature;
- g information on production techniques and practices;
- h information on the nutritional content of the product.

2 A Quick Response (QR) code may be used outlining part or all of the information listed in Article 35(1).

3 Voluntary information shall not be displayed to the detriment of the space available for mandatory information on the marking or labelling.

4 No voluntary information shall be included that cannot be verified.

**Changes to legislation:**

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

- Art. 5(e) words substituted by [S.I. 2019/739 reg. 19\(4\)\(a\)](#)
- Art. 5(f) words substituted by [S.I. 2019/739 reg. 19\(4\)\(b\)](#)
- Art. 7(1)(a) words substituted by [S.I. 2019/739 reg. 19\(6\)\(a\)](#)
- Art. 7(2)(b) omitted by [S.I. 2019/739 reg. 19\(6\)\(b\)](#)
- Art. 8(1)(c) words substituted by [S.I. 2019/739 reg. 19\(7\)\(a\)](#)
- Art. 8(2)(a) words substituted by [S.I. 2019/739 reg. 19\(7\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 19(7)(b) substituted immediately before IP completion day by [S.I. 2020/1542, reg. 11\(4\)\(a\)](#))
- Art. 8(2)(a) words substituted by [S.I. 2019/739, reg. 19\(7\)\(b\)\(i\)](#) (as substituted) by [S.I. 2020/1542 reg. 11\(4\)\(a\)](#)
- Art. 8(2)(c) omitted by [S.I. 2019/739, reg. 19\(7\)\(b\)\(ii\)](#) (as substituted) by [S.I. 2020/1542 reg. 11\(4\)\(a\)](#)
- Art. 13(a) word substituted by [S.I. 2019/739 reg. 19\(12\)\(a\)](#)
- Art. 13(b) words substituted by [S.I. 2019/739 reg. 19\(12\)\(b\)](#)
- Art. 13(c) words omitted by [S.I. 2019/739 reg. 19\(12\)\(c\)](#)
- Art. 14(1)(b) words substituted by [S.I. 2019/739 reg. 19\(13\)\(a\)\(ii\)](#)
- Art. 14(1)(c) substituted by [S.I. 2019/739 reg. 19\(13\)\(a\)\(iii\)](#)
- Art. 16(1)(d) substituted by [S.I. 2019/739 reg. 19\(15\)\(a\)\(iii\)](#)
- Art. 22(1)(a) words substituted by [S.I. 2019/739 reg. 19\(18\)\(b\)\(i\)](#)
- Art. 22(1)(a) words substituted by [S.I. 2019/739 reg. 19\(18\)\(b\)\(ii\)](#)
- Art. 23(1)(a) words substituted by [S.I. 2019/739 reg. 19\(19\)\(a\)\(ii\)\(aa\)](#)
- Art. 23(1)(a) words substituted by [S.I. 2019/739 reg. 19\(19\)\(a\)\(ii\)\(bb\)](#)
- Art. 23(1)(b) words substituted by [S.I. 2019/739 reg. 19\(19\)\(a\)\(iii\)](#)
- Art. 37(1)(b)(i) words omitted by [S.I. 2019/739 reg. 19\(28\)\(a\)\(iii\)](#)
- Art. 38(1)(b) words substituted by [S.I. 2019/739 reg. 19\(29\)\(a\)](#)
- Art. 38(1)(c) word substituted by [S.I. 2019/739 reg. 19\(29\)\(b\)](#)
- Art. 41(1)(a) words inserted by [S.I. 2019/739 reg. 19\(31\)\(b\)\(ii\)](#)
- Art. 41(1)(a) words substituted in earlier amending provision [S.I. 2019/739, reg. 19\(31\)\(b\)\(ii\)](#) by [S.I. 2020/1542 reg. 11\(4\)\(b\)\(i\)](#)
- Art. 41(1)(c) words omitted by [S.I. 2019/739 reg. 19\(31\)\(b\)\(iii\)](#)
- Art. 41(2)(a) words inserted by [S.I. 2019/739 reg. 19\(31\)\(c\)\(ii\)](#)
- Art. 41(2)(a) words substituted in earlier amending provision [S.I. 2019/739, reg. 19\(31\)\(c\)\(ii\)](#) by [S.I. 2020/1542 reg. 11\(4\)\(b\)\(ii\)](#)
- Art. 41(2)(c) words omitted by [S.I. 2019/739 reg. 19\(31\)\(c\)\(iii\)](#)
- Art. 41(2)(f) words substituted by [2020 c. 22 Sch. 11 para. 3](#)
- Art. 41(2)(f) words substituted by [S.I. 2019/739 reg. 19\(31\)\(c\)\(iv\)](#)
- Art. 41(3)(4) inserted by [S.I. 2019/739 reg. 19\(31\)\(d\)](#)