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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 219**

**The Fish Labelling Regulations (Northern Ireland) 2013**

**Citation and commencement**

1. These Regulations may be cited as the Fish Labelling Regulations (Northern Ireland) 2013 and come into operation on 7th October 2013.

**Interpretation**

2.—(1) In these Regulations—

“the EU Regulations” means Regulation 104/2000, Regulation 2065/2001, Regulation 1224/2009 and Regulation 404/2011;

“the Order” means the Food Safety (Northern Ireland) Order 1991;

“Regulation 104/2000” means Council Regulation (EC) No. 104/2000 on the common organisation of the markets in fishery and aquaculture products;

“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;

“Regulation 1224/2009” means Council Regulation (EC) No. 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy; and

“Regulation 404/2011” means Commission Implementing Regulation (EU) No. 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No. 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy.

(2) Any references to the EU Regulations in these Regulations are references to the EU Regulations as amended from time to time.

(3) Any expressions used in these Regulations have the same meaning as in the EU Regulations.

(4) The Interpretation Act (Northern Ireland) 1954(1) applies to these Regulations as it applies to an Act of the Assembly.

**Consumer information and traceability requirements**

3.—(1) In these Regulations—

(a) “consumer information requirement” means a requirement referred to in paragraph (2), subject to paragraph (4) to (7); and

(b) “traceability requirement” means a requirement referred to in paragraph (3), subject to paragraph (7).

(2) For the purposes of paragraph (1)(a) the requirements are—

- (a) a requirement specified in Article 4(1) of Regulation 104/2000 (provision of consumer information) as read with the following provisions of Regulation 2065/2001—
    - (i) Articles 2 and 3 (commercial designation),
    - (ii) Article 4(1) and (3) (production method),
    - (iii) Article 5 (catch area), and
    - (iv) Article 6 (combination sales); and
  - (b) a requirement specified in Article 58(6) of Regulation 1224/2009 as read with Articles 67(13) and 68 of Regulation 404/2011.
- (3) For the purposes of paragraph (1)(b), the requirements are Article 58(2), (3) and (5) of Regulation 1224/2009 as read with Article 58(7) of that Regulation and Article 67(1) to (3) and (5) to (13) of Regulation 404/2011.
- (4) The requirement specified in Article 4(1) of Regulation 104/2000 as read with Article 4(1) of Regulation 2065/2001 does not apply in circumstances described in Article 4(2) of Regulation 2065/2001.
- (5) The requirement specified in Article 4(1) of Regulation 104/2000 as read with Article 5(1)(c) of Regulation 2065/2001 does not preclude the indication of various member States or third countries as described in Article 5(1)(c) of Regulation 2065/2001.
- (6) The requirement referred to in paragraph (2)(a) does not apply in circumstances described in the last paragraph of Article 4(1) of Regulation 104/2000, as read with the last sentence of Article 7 of Regulation 2065/2001, where each purchase does not exceed the sterling equivalent of 20 euros, or, in the case of direct sale from a fishing vessel, 50 euros.
- (7) The requirements referred to in paragraphs (2)(b) and (3) do not apply in circumstances described in Article 58(8) of Regulation 1224/2009, as read with Article 67(14) of Regulation 404/2011, where the sale does not exceed the sterling equivalent of 50 euros per day.

#### **Improvement notice – application of Article 9 of the Order**

4.—(1) Article 9 of the Order (improvement notices) applies for the purposes of these Regulations with the following modifications.

(2) For paragraph (1), substitute—

“(1) If an authorised officer has reasonable grounds for believing that an operator has not complied with, or is not likely to comply with, a consumer information requirement or a traceability requirement, the officer may, by notice served on that operator (in this Order referred to as an “improvement notice”)—

- (a) state the officer’s grounds for believing that the operator is failing to comply with those requirements;
- (b) specify the matters which constitute the operator’s failure so to comply;
- (c) specify the measures which, in the officer’s opinion, the operator must take in order to secure compliance; and
- (d) require the operator to take those measures, or measures which are at least equivalent to them, within such period as may be specified in the notice.”.

(3) For paragraph (3), substitute —

“(3) In this Article—

- (a) “consumer information requirement” and “traceability requirement” have the meanings given by regulation 3(1) of the Fish Labelling Regulations (Northern Ireland) 2013;

- (b) “operator” has the meaning as in the EU Regulations as defined in regulation 2(1) and 2(2) of the Fish Labelling Regulations (Northern Ireland) 2013.”.

### **Appeal against improvement notices**

5.—(1) Article 37 of the Order (appeals) applies for the purposes of these Regulations as modified by paragraphs (2) and (3).

(2) For paragraph (1) substitute “Any person who is aggrieved by a decision of an authorised officer to serve an improvement notice under Article 9(1) as applied and modified by regulation 4(1) of the Fish Labelling Regulations (Northern Ireland) 2013 may appeal to a court of summary jurisdiction”.

(3) In paragraph (2A)(b) for “(1)(a) substitute “(1) as applied by regulation 5 of the Fish Labelling Regulations (Northern Ireland) 2013.”.

(4) Article 38 of the Order applies for the purposes of these Regulations with the modification that in paragraph (1) and (2) “as applied by regulation 4(1) of the Fish Labelling Regulations (Northern Ireland) 2013” is inserted after “improvement notice”.

### **Requirement to keep records**

6.—(1) For the purposes of Article 58(4) of Regulation 1224/2009, an operator must keep a record of the information referred to in that Article as read with Article 67(4) of Regulation 404/2011.

(2) The record must be kept for three years from the date the transaction is completed.

(3) It is an offence to fail to comply with this regulation.

### **Requirement to produce records**

7. An operator who fails to comply with the second sentence of Article 58(4) of Regulation 1224/2009 is guilty of an offence.

### **Penalties**

8. A person guilty of an offence under regulation 6 or regulation 7 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Application and modification of the Order**

9. The Schedule (application and modification of the Order) has effect.

### **Enforcement**

10.—(1) Each district council must enforce and execute these Regulations in its district.

(2) Each district council is the competent authority in its district for the purposes of Article 58(4) of Regulation 1224/2009 and Article 67(5) of Regulation 404/2011.

### **Revocation**

11. The Fish Labelling Regulations (Northern Ireland) 2010(2) are revoked.

Sealed with the official seal of the Department of Health, Social Services and Public Safety on 9th September 2013.



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Social Services and Public Safety