

EXPLANATORY MEMORANDUM TO

THE FISH LABELLING (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2014 2014 No. 287

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Food Standards Agency in Northern Ireland to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under Articles 15(1), 16(2), 25(2), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991 and paragraph 1A of Schedule 2 to the European Communities Act 1972.

2. Purpose of the Rule

- 2.1 This Rule will provide for the enforcement of the new EU consumer information requirements for fishery products, which state that information on the equipment used to catch the fish and the date of minimum durability (as appropriate) must be available to consumers at the point of retail.
- 2.2 This change, which is necessary to comply with EU Regulations, will build on existing requirements and provide additional consumer information and so enable consumers to make more informed choices, including expressing a preference for fish that has been caught in a sustainable manner. They are expected to benefit from the greater certainty and clarity that the increased information will provide, and to have increased confidence in the quality of the product they are purchasing, while the sustainability of fisheries worldwide could be increased in response to consumer preference.

3. Matters of special interest to the Health Committee

- 3.1 None.

4. Legislative Context

- 4.1 European legislation harmonises consumer information and traceability requirements regarding fish and fishery products. The applicable legislation is set out in the following paragraphs.
- 4.2 **Current situation (transition underway)**

Common Fisheries Policy (CFP) Control Regulation

(EC) 1224/2009 – Establishing a community control system for ensuring compliance within the rules of the common fisheries policy (EC) 404/2011 – Sets out detailed rules for the implementation of 1224/2009

Common Organisation of the Markets in Fishery and Aquaculture Products (CMO)

(EC) 104/2000 – Base Regulation

(EC) 2065/2001 – Detailed rules for the application of 104/2000

Northern Ireland Statutory Rule (SR)

The Fish Labelling Regulations (Northern Ireland) 2013 (No. 219) – provides for the enforcement in Northern Ireland of the European legislation on traceability and consumer information requirements.

The current consumer information requirements are as follows:

Fishery and aquaculture products.....may only be offered for retail to the final consumer where appropriate marking or labelling indicates:

- The commercial designation of the species, and scientific name
- The production method, in particular by the following words 'caught' or 'caught in freshwater' or 'farmed' or 'cultivated'
- The area where the product was caught or farmed
- Whether the product has previously been frozen, to be indicated by the word 'defrosted'

4.3 New situation (Fully in place by 13 December 2014)

Common Organisation of the Markets in Fishery and Aquaculture Products (CMO)

- Regulation (EU) No 1379/2013 – Repealed and replaced Regulation (EC) No 104/2000 from 1 January 2014 (Consumer information on commercial designations, catch area and production methods remain in force until 12 December 2014) and introduces revised consumer information requirements from 13 December 2014.
- Regulation (EU) No 1420/2013 – repeals Regulation (EC) No 2065/2001 with effect from 13 December 2014.

Common Organisation of the Markets in Fishery Products (CMO)

(EC) 1379/2013 – This Regulation updates and consolidates the European consumer information requirements which are listed below:

Chapter IV Consumer Information

Fishery and aquaculture products ... 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 the Regulation;
- (d) whether the product has been defrosted;
- (e) the date of minimum durability, where appropriate.

5. European Convention on Human Rights

- 5.1 As this Rule is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Policy Background

- 6.1 New requirements to provide the consumer with additional information on fish and fishery products at the retail stage have been introduced throughout the EU. The new rules are included in the fourth chapter of Regulation (EU) No 1379/2013 of the European Parliament and the Council, enacted on 11 December 2013. This Regulation, together with its companion Regulation (EU) No 1380/2013, mandates a wholesale revision of the Common Fisheries Policy, specifically its Common Organisation of the Market (CMO) Regulation, which also covers fishing, production and marketing. Provision must be made within domestic legislation to enforce the new consumer information requirements. Government intervention is necessary to ensure that the market supplies the consumer with the required information and to maintain consistency in how this is applied throughout the industry.
- 6.2 The additional requirements to provide information on fishery products are:
 - the equipment used to catch the fish

- the date of minimum durability (as appropriate).

6.3 Furthermore, the current requirement to provide information on where a fish has been farmed or caught will become more specific. The revised requirement is for information that satisfies a tighter definition of the country of origin of farmed fish and a more precise definition of catch area for fish caught at sea.

7. Consultation outcome

7.1 An 8 week consultation was conducted in Northern Ireland from 27 August to 22 October 2014. A wide range of enforcement authorities and businesses were consulted and the consultation was available on the Food Standards Agency (FSA) website. No responses were received to the consultation in Northern Ireland.

8. Equality Impact

8.1 These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the Section 75 groups.

9. Guidance

9.1 The current guidance to the Fish Labelling Regulations 2013 will be updated to take account of the changes described above.

10. Regulating small business

10.1 This Regulation will apply to all businesses trading in fishery products in order for the benefits of traceability to be realised.

11. Monitoring

11.1 The FSA will work with Enforcement Authorities where problems or suspected infringements of the legislation arise. The effectiveness of the instrument will be also be monitored via general feedback from industry and Enforcement Authorities.

12. Contact

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