
WELSH STATUTORY INSTRUMENTS

2010 No. 797

The Fish Labelling (Wales) Regulations 2010

Title, application and commencement

- 1.—(1) The title of these Regulations is the Fish Labelling (Wales) Regulations 2010.
- (2) These Regulations apply in relation to Wales and come into force on 6 April 2010.

Interpretation

2. In these Regulations—

“Regulation 104/2000” (“Rheoliad 104/2000”) means Council Regulation (EC) No. 104/2000 on the common organisation of the markets in fishery and aquaculture products(1);

“Regulation 2065/2001” (“Rheoliad 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(2);

and any expressions used in these Regulations and in Regulation 104/2000 or Regulation 2065/2001 have the same meaning as in those Regulations.

Offences relating to consumer information

- 3.—(1) Any person who, in contravention of Article 4.1 of Regulation 104/2000 (consumer information) as read with Regulation 2065/2001, offers for retail sale to the final consumer any of the products to which that Article applies is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

- (2) Any person who fails to comply with Article 8 of Regulation 2065/2001 (traceability and control) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Lists of commercial designations

- 4.—(1) As regards Wales, the list of commercial designations which the United Kingdom is required to draw up and publish under Article 4.2 of Regulation 104/2000 is that set out in the table in the Schedule to these Regulations as read with the notes to it, and accordingly, the commercial designations set out in that Schedule are names prescribed by law for the purposes of regulations 6(1), 7 and 8(a) of the Food Labelling Regulations 1996 in so far as they apply in relation to Wales(3).

- (2) In relation to a species included both in the Schedule to these Regulations and in a list published in English under Article 4.2 of Regulation 104/2000 having effect in another Member State or another part of the United Kingdom, the commercial designation for that species in the

(1) OJ No. L17, 21.1.2000, p.22. That Regulation was amended by the EU Act concerning the conditions of accession of the Czech Republic etc. (OJ No. L236, 23.9.2003, p.33).

(2) OJ No. L278, 23.10.2001, p.6. That Regulation was corrected by a Corrigendum (OJ No. L10, 12.1.2002, p.82 (2001/2065)) and it was amended by the EU Act concerning the conditions of accession of the Czech Republic etc. (OJ No. L236, 23.9.2003, p.33) and by Commission Regulation (EC) No. 1792/2006 (OJ No. L362, 20.12.2006, p.1).

(3) S.I.1996/1499; regulation 6(4) (which defines “prescribed by law” for the purposes of regulations 6(1), 7 and 8(a)) was inserted by S.I. 1998/1398.

list having effect in that other Member State or part of the United Kingdom is an alternative to the commercial designation for that species set out in the Schedule to these Regulations and are names prescribed by law for the purposes set out in paragraph (1).

Omission of reference to the production method

5. In the case described in Article 4.2 of Regulation 2065/2001 (situation where it is obvious from commercial designation and catch area that the species is caught at sea) it is not a contravention of Article 4.1 of Regulation 104/2000 to offer for retail sale to the final consumer a product to which that article applies without the product being marked or labelled with the production method.

Small quantities of products

6.—(1) For the purposes of Article 4.1 of Regulation 104/2000 as read with Article 7 of Regulation 2065/2001, the small quantity of products which may be sold directly to consumers will be products to a value not exceeding 20 Euro for each purchase.

(2) For the purposes of this Regulation, the reference to 20 Euro is to be taken to be a reference to the sterling equivalent of that number of Euros, converted by reference to the rate of conversion published annually on the first working day of the preceding September in the C series of the Official Journal of the European Communities or, if no rate is published in it on that day, the first rate published in it thereafter.

Additional information relating to the catch area

7. The indication of catch area required by Article 4.1(c) of Regulation 104/2000 may, where the circumstances described in Article 5.1(c) of Regulation 2065/2001 apply, indicate the various Member States or third countries in which the product was farmed.

Provisional commercial designations

8.—(1) For the purposes of Article 2 of Regulation 2065/2001 (provisional commercial designations), the Food Standards Agency is the competent authority.

(2) The Food Standards Agency will draw up and publish a list of provisional commercial designations laid down pursuant to Article 2.

Enforcement

9. Each food authority must enforce and execute these Regulations in its area.

Application of various provisions of the Food Safety Act 1990

10. The following provisions of the Food Safety Act 1990 (“the Act”) apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part of the Act is to be construed as a reference to these Regulations and to those provisions of Regulation 104/2000 and Regulation 2065/2001 to which these Regulations relate—

- (a) section 3 (presumption that food is intended for human consumption);
- (b) section 20 (offences due to fault of another person);
- (c) section 21 (defence of due diligence)(4) with the modification that subsections (2) to (4) apply in relation to an offence under regulation 3(1) as they apply in relation to an offence under section 14 or 15;

(4) Section 21 was amended by S.I. 2004/3279.

- (d) section 30(8) (which relates to documentary evidence);
- (e) section 33(1) (obstruction etc. of officers);
- (f) section 33(2) with the modification that the reference to “any such requirement as is mentioned in subsection (1)(b) above” is deemed to be a reference to any such requirement as is mentioned in that subsection as applied by paragraph (e);
- (g) section 35(1) (punishment of offences)(**5**) insofar as it relates to offences under section 33(1) as applied by paragraph (e);
- (h) section 35(2) and (3)(**6**) insofar as it relates to offences under section 33(2) as applied by paragraph (f);
- (i) section 36 (offences by bodies corporate);
- (j) section 36A (offences by Scottish partnerships)(**7**); and
- (k) section 44 (protection of officers acting in good faith).

Revocation

11. The following Regulations are revoked—

- (a) The Fish Labelling (Wales) Regulations 2003(**8**); and
- (b) The Fish Labelling (Amendment) (Wales) Regulations 2006(**9**).

Gwenda Thomas
Deputy Minister for Social Services, under
authority of the Minister for Health and Social
Services, one of the Welsh Ministers

15 March 2010

(5) Section 35(1) is amended by the Criminal Justice Act 2003 (2003 c. 44), Schedule 26, paragraph 42, from a date to be appointed.

(6) Section 35(3) was amended by S.I. 2004/3279.

(7) Section 36A was inserted by the Food Standards Act 1999 (1999 c. 28), Schedule 5, paragraph 16.

(8) S.I. 2003/1635 (W.177).

(9) S.I. 2006/1339 (W.131).