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Introduction

European fisheries control measures apply minimum labelling and information requirements throughout the supply chain for certain fisheries and aquaculture products whilst under marketing requirements the consumer and mass caterers must be provided with prescribed catch information. Mass caterers include businesses such as restaurants and takeaways in which food is prepared for consumption by the consumer. The requirements do not apply to all fishery products and some exempted from fisheries control are not exempt under marketing. Under Parts I and II this document provides guidance on which products the traceability and consumer information apply to and what information is required within the supply chain and ultimately for consumers and mass caterers.

Seafish have previously published guidance documents on traceability under the EU fisheries control regulations (EC) 1224/2009 and more recently consumer information under the EU common organisation of the markets regulation (EU) 1379/2013. This document replaces these guides and combines them into a single updated guide.

Why do these measures apply?

Fresh fish and shellfish are supplied to businesses and consumers across the UK, the European Union and beyond. Fisheries control measures are necessary to combat fraud. The Commission also considers the provision of accurate and meaningful information about fishery products is necessary to maintain consumer confidence and enable informed choice. Therefore, it is essential that businesses at each stage of the supply chain from catching or harvesting to processing and retailing are clear about their responsibilities regarding fisheries and aquaculture traceability and consumer information.

PART I – Traceability throughout the supply chain

Product traceability is already a requirement under European Food Law with food businesses required to keep details of where food has been sourced and to who subsequently dispatched. Hence there is traceability at all stages of production, processing and distribution from catching or harvesting to retail.

To help combat the landing of illegally caught fish from European waters, fisheries control measures also require prescribed catch information to be available throughout the supply chain.

Although not included within the scope of this guidance, similar control measures are applied to imports from non EU countries under Regulation (EC) 1005/2008. This establishes a control system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing, on fishery products entering the EU market. This includes a catch certification scheme to prove the fish was legally sourced.

The fisheries control traceability requirements do not apply to all seafood products

This applies to fishery and aquaculture products falling within the CN03 customs commodity code, which are effectively unprocessed products (although it does include certain types of smoked products) and not processed product falling under CN1604 and CN1605 codes.

CN 03 product codes include fish and shellfish that do not have any other intrinsic ingredients other than salt. It contains fish and shellfish that are whole, gutted, minced, frozen, dried, salted or smoked.

CN 1604 and 1605 codes include processed fish, crustaceans, molluscs or other aquatic invertebrates. It includes crustaceans that are both cooked and peeled, breaded fish and other value added products.

More information on commodity codes, including a searchable data base to help categorise products, can be found here: <http://online.businesslink.gov.uk/bdotg/action/tariff>

Further exemptions from the fisheries control traceability requirements

In addition to CN1604 and CN1605 fishery products the following are also exempt:

- Fisheries and aquaculture products imported from out with the European Union

Although exempted from the fisheries control traceability requirements, third country imports are still subject to the consumer information requirements covered under Part II

for CN03 fishery products. Provision will have to be made for their catch information to be available at retail.

- Direct sale from fishing vessel to the consumer
Small quantities of products sold directly from the fishing vessel to the consumer. The value of such sales must not exceed 50 Euros per day, per consumer.
- Freshwater and ornamental products
Fisheries and aquaculture products caught or farmed in freshwater or ornamental fish, crustaceans and molluscs.

What are the traceability requirements?

All fisheries and aquaculture products must be put into 'lots' before first sale. Prescribed catch information should be provided at this point or at least before first sale. This information must then be 'available' at all stages of production from first sale through processing and distribution up to retail. Some of this information must also be provided to the consumer as discussed under Part II.

A 'lot' is defined as 'a quantity of fisheries and aquaculture products of a given species or the same presentation and coming from the same relevant geographical area and the same fishing vessel, or group of fishing vessels, or the same aquaculture production unit.'

Catch information required for each lot of fish or shellfish

- Lot or batch number
- Supplier name and address
- Name and identification number of fishing vessel(s) or name of aquaculture unit
- Date of catch or harvest
- Quantity
- Predominant area where caught or farmed
- Category of fishing gear used
- Commercial designation and scientific name for species
- FAO alpha-3 code

Lot or batch number

Each lot must be provided with an identification number to allow traceability

Lots may be merged or split after first sale providing it is possible to trace them back to the catching or harvesting areas. In such cases a new lot identification number should be provided

Supplier name and address

This is already a requirement under EU food law traceability requirements. Where applicable this may be provided by the identification mark applied to product under the hygiene regulations

Name and identification number of fishing vessel or name of aquaculture unit

If the lot contains fish from more than one vessel such as pair trawlers then all vessel details should be included

Date of catch or harvest

This can include several calendar days or one period of time corresponding to several dates of catches

Quantity

This is of each species in kilograms and should be expressed in net weight at each stage of production or where appropriate the number of individuals

Area where caught or farmed

See Part II consumer information and annex 1

Category of fishing gear used

See Part II consumer information and annex 4

Commercial designation and scientific name

See Part II consumer information

FAO alpha-3 code

This is the species code as required on the sales note. The complete list can be found at <http://www.fao.org/fishery/collection/asfis/en>

Provision of the Information on the fishmarket

The fisheries control regulations require businesses to 'provide the information at the moment when the fisheries and aquaculture products are put into lots and no later than the first sale'.

Sales notes subsequently sent to fisheries offices do not meet with this requirement as they are completed after the first sale has taken place.

Hence the prescribed catch information must be provided no later than first sale even though this may subsequently be provided on sales invoices.

Ways of achieving this include:

- Labelling of individual boxes or bins - some vessels already do if weighing at sea
- Provision of information to buyers prior to sale – fish selling companies may already do this
- Include in forward information systems
- Include in data provided at electronic auctions

Provision of information within the supply chain

When fish are transported away from the market this information should be available to hauliers

Inevitably lots of fish from different vessels or other sources of supply will be split and/or merged to meet with individual customer requirements. The fisheries control regulations allow for this provided a new identification number is given and it is still possible to trace back to catching or harvesting areas.

The information can be provided by means of:

- Labelling or packaging
- Commercial documents accompanying the lot such as invoices or sales receipts. If so there should be a means of identifying boxes or packages to which the documentation applies
- Electronic means such as bar coding or electronic chips

Fish sourced from another Member State or Third Country

On some markets fish may be available from UK vessels, other Member States and non EU countries or alternatively processors may source directly.

The fisheries control measures apply to all Member States and in this case the traceability requirements apply.

Third country imports require catch certificates and are exempt from the fisheries control traceability requirements. However, as third country imports are subject to the consumer information requirements for CN03 fishery products (Part II) provision will have to be made for the required catch information to be available for these products at retail.

PART II - Consumer Information

As part of the recent reform of the EU Common Fisheries Policy the consumer information requirements were reviewed and extended under a new Common Organisation of the Markets Regulation (EU) No 1379/2013 (CMO) which came into force in December 2014. This requires additional catch information to be provided to the consumer.

The marketing regulations also require producer organisations to contribute 'to the traceability of fishery products and access to clear and comprehensive information for consumers'.

New food labelling requirements under the Food Information to Consumers (FIC) Regulation (EU) 1169/2011 also came into force at the same time. The FIC applies mandatory requirements including the name of the food, allergens, ingredients, nutrition, net quantity, minimum durability, added water and date of freezing. Seafish guidance is available at:

http://www.seafish.org.uk/media/publications/Labelling_guide_-_SeaFish_FINAL.pdf

Fishery products should comply with both regulations

Mass caterers are now included

The information must be provided to the final consumer or to a mass caterer. The inclusion of a mass caterer is new and includes businesses such as restaurants, canteens, schools, hospitals and catering enterprises in which, food is prepared for consumption by the final consumer. Although such businesses are not required to provide catch information to the consumer, its availability allows them to provide this to customers if they wish.

Not all fishery products are included

This applies to fishery and aquaculture products falling within the CN03 customs commodity code as described under Part I. Although third country imports are exempted from fisheries control measures, this labelling applies to products from both Member States and third countries.

Small quantities exemption

An exemption may be applied to small quantities of product sold directly from fishing vessels to consumers provided they do not exceed a value of 50 Euros per day per consumer.

What information is to be provided?

- Commercial designation and scientific name
- Production method
- Area where the product was caught or farmed
- Category of fishing gear used
- Whether the product has been defrosted
- Date of minimum durability, where appropriate
- Additional voluntary information can also be given

Commercial designation and scientific name

Commercial designations permitted in the UK are provided in a Defra publication “Commercial Designations of Fish” published in 2013. This is subject to amendment to allow for additions and amendments and can be found at

www.gov.uk/government/uploads/system/uploads/attachment_data/file/236702/pb14027-uk-commercial-designation-fish-list.pdf

Fish which constitutes an ingredient of another food may be designated ‘fish’ provided that the name and presentation of the food does not refer to a specific species.

The scientific name should be in accordance with the FishBase Information System or the ASFIS database of the FAO at www.fishbase.org or www.fao.org/fishery/collection/asfis/en

Production method

The production method shall include the words “... caught ...” or “... caught in fresh water ...” or “... farmed”

Where a product contains the same species but sourced from different production methods the method for each batch shall be stated.

Area where the product was caught or farmed

Fishery products caught at sea

For fishery products caught in the Northeast Atlantic (FAO Fishing Area 27) and the Mediterranean and Black Sea (FAO Fishing Area 37), the name of the sub area or division is to be provided instead. In addition this should include the name of this zone expressed in terms understandable to the consumer or a map or pictogram showing that zone.

The need for this additional description depends to some extent on the intended consumer. For consumers in the UK the name ‘North Sea’ should be understandable on its

own. A consumer in Italy might need an additional descriptor such as 'off the Eastern shores of the UK'.

For other FAO areas, derogation allows for the indication to be the name of the FAO fishing area only.

Tables listing sub areas and divisions for area FAO 27 and 37 can be found in Annexes 1 and 2. Other FAO fishing areas are listed in Annex 3.

Detail of the location of the sub areas and divisions for FAO 27 can be found on the FAO website at <http://www.fao.org/fishery/area/Area27/en>

Fishery products caught in freshwater

For fishery products caught in freshwater there should be a reference to the body of water of origin in the Member State or third country of provenance of the product.

Aquaculture

For 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. In the case of shellfish, this is where they underwent a final rearing or cultivation stage of at least six months.

Multiple sourcing

Where a product has been sourced from a variety of catch areas or fish farming countries at least the area or country which is the most representative in terms of quantity shall be stated together with an indication that some also come from different catch or fish farming areas.

Category of fishing gear used

Seven categories of fishing gear are shown in the mandatory information column of Annex 4. More detailed information on these can be given instead as shown in the second optional column.

Gear types not included in the mandatory list such as shellfish that have been 'diver caught' or 'harvested by hand' can be indicated voluntarily provided the information is clear, unambiguous and verifiable.

If more than one harvesting method has been used both should be provided.

The harvesting method used for farmed product does not have to be provided as the requirement applies to capture fisheries only.

Defrosted

This requires the consumer to be informed whether the product has been defrosted. Exemptions apply to:

- a. Ingredients present in the final product
- b. Foods for which freezing is technologically necessary step in the production process
- c. Products previously frozen to kill parasites as prescribed under the hygiene regulation 853/2004
- d. Products defrosted before smoking, salting, pickling, drying, curing or any combination of these

The Food Information to Consumers Regulation also requires previously frozen food to be labelled as defrosted. There are also exemptions which include points (a) and (b) above but not points (c) and (d).

For products covered by the CMO, which includes non-prepacked, the CMO exemptions should be used. For other packaged fishery products not covered by the CMO the FIC exemptions apply.

The Food Information to Consumers Regulation also requires previously frozen food to have the term 'defrosted' accompany the name. The scope does not include non prepacked food. For non prepacked fishery products 'defrosted' can appear anywhere and does not need to accompany the name.

Date of minimum durability

Consumers have to be made aware of the 'date of minimum durability, where appropriate'.

The CMO includes non-prepacked fishery products and as these are outside the scope of the FIC there is no mandatory requirement for date marking. Prepacked products are included within the scope of the FIC and a date of minimum durability has to be given, hence therefore 'where appropriate'.

Additional voluntary information

Further information may also be provided on a voluntary basis provided it is clear and unambiguous. This must not be displayed to the detriment of space available for mandatory information and must be verifiable.

The additional information relates to:

- Date of catch or harvest
- Date of landing or information on the port of landing
- More detailed information on the type of fishing gear. This is listed in Annex 4.

- For fishery products caught at sea the flag state of the fishing vessel
- Environmental information
- Information of an ethical or social nature
- Information on production techniques and practices
- Information on the nutritional content of the product

How should the information be presented to the consumer?

The Regulation requires 'appropriate marking or labelling'.

For non-prepacked products the information can be provided to the consumer by use of billboards or posters.

A Quick Response (QR) code may also be used to provide catch information. This does not replace the need to provide the mandatory consumer information.

Voluntary information must not be displayed to the detriment of space available for mandatory information and must be verifiable.

How should the information be presented to the mass caterer?

The regulation requires 'appropriate marking or labelling'. Although documentation, coupled with a means of identifying the specific packages it applies to could achieve this, in practice it is probably better to label individual packages and have the information with the product.

Products labelled prior to 13 December 2014

Fishery and aquaculture products and packages labelled or marked prior to 13 December 2014 and which do not comply may be marketed until stocks have been used up.

ANNEX 1 – NORTHEAST ATLANTIC FAO Area 27 Sub Areas and Divisions

SUB AREA	NAME	DIVISION	NAME
I	Barents Sea	I a	Barents Sea NEAFC Regulatory Area
		I b	Barents Sea Non-NEAFC Regulatory Area
II	Norwegian Sea, Spitzbergen and Bear Island	II a	Norwegian Sea
		II b	Spitzbergen and Bear Island
III	Skaggerak, Kattegat, Sound, Belt Sea and Baltic Sea	III a	Skaggerak and Kattegat
		III b, c	Sound and Belt Sea or Transition area
		III d	Baltic Sea
IV	North Sea	IV a	Northern North Sea
		IV b	Central North Sea
		IV c	Southern North Sea
V	Iceland and Faroes Grounds	V a	Iceland Grounds
		V b	Faroes Grounds
VI	Rockall, Northwest Coast of Scotland and North Ireland (Northwest Coast of Scotland and North Ireland also known as West of Scotland)	VI a	Northwest Coast of Scotland and North Ireland or as West of Scotland
		VI b	Rockall
VII	Irish Sea, West of Ireland, Porcupine Bank, Eastern English Channel, Western English Channel, Bristol Channel, Celtic Sea North, Celtic Sea South, Southwest of Ireland – East and Southwest of Ireland - West	VII a	Irish Sea
		VII b	West of Ireland
		VII c	Porcupine Bank
		VII d	Eastern English Channel
		VII e	Western English Channel
		VII f	Bristol Channel
		VII g	Celtic Sea North

		VII h	Celtic Sea South
		VII j	Southwest of Ireland – East
		VII k	Southwest of Ireland - West
VIII	Bay of Biscay	VIII a	Bay of Biscay – North
		VIII b	Bay of Biscay – Central
		VIII c	Bay of Biscay – South
		VIII d	Bay of Biscay – Offshore
		VIII e	West of Bay of Biscay
IX	Portuguese Waters	IX a	Portuguese Waters – East
		IX b	Portuguese Waters - West
X	Azores Grounds	X a	Azores Grounds
		X b	Northeast Atlantic South
XI	Subarea defunct as incorporated into Eastern Central Atlantic (FAO 34)		
XII	North of Azores	XII a	Southern mid-Atlantic Ridge
		XII b	Western Hatton Bank
		XII c	Central Northeast Atlantic
XIII	Subarea defunct as incorporated into Eastern Central Atlantic (FAO 34)		
XIV	East Greenland	XIV a	Northeast Greenland
		XIV b	Southeast Greenland

ANNEX 2 - MEDITERRANEAN AND BLACK SEA FAO Area 37 Sub Areas and Divisions

SUB AREA	NAME	DIVISION	NAME
37.1	Western Mediterranean	37.1.1	Balearic
		37.1.2	Gulf of Lions
		37.1.3	Sardinia
37.2	Central Mediterranean	37.2.1	Adriatic
		37.2.2	Ionian
37.3	Eastern Mediterranean	37.3.1	Aegean
		37.3.2	Levant
37.4	Black Sea	37.4.1	Marmara Sea
		37.4.2	Black Sea
		37.4.3	Azov Sea

ANNEX 3 – FAO Fishing areas

SUB AREA	NAME
18	Arctic Sea
21	Northwest Atlantic
27	Northeast Atlantic – this area now split into sub area/division (Annex 1)
31	Western Central Atlantic
34	Eastern Central Atlantic
37	Mediterranean and Black Sea – this area now split into sub area/division (Annex 2)
41	Southwest Atlantic
47	Southeast Atlantic
48	Atlantic, Antarctic
51	Western Indian Ocean
57	Eastern Indian Ocean
58	Indian Ocean, Antarctic and Southern
61	Northwest Pacific
67	Northeast Pacific
71	Western Central Pacific
77	Eastern Central Pacific
81	Southwest Pacific
87	Southeast Pacific
88	Pacific, Antarctic

ANNEX 4 – FISHING GEAR

Mandatory Information on category of fishing gear	Optional more detailed information
Seines	Beach seines Danish seines Scottish seines Pair seines
Trawls	Beam trawls Bottom otter trawls Bottom pair trawls Midwater otter trawls Pelagic pair trawls Otter twin trawls
Gillnets and similar nets	Set (anchored) gillnets Driftnets Encircling gillnets Trammel nets Combined trammel and gillnets
Surrounding nets and lift nets	Purse seines Lampara nets Boat operated lift nets Shore-operated stationary lift nets
Hooks and lines	Hand lines and pole lines (hand operated) Hand lines and pole lines (mechanised) Set longlines Longlines (drifting) Troll lines
Dredges	Boat dredges Hand dredges used on board a vessel Mechanised dredges including suction dredges
Pots and traps	Pots (traps)

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