



Food Safety
AUTHORITY OF IRELAND

7

GUIDANCE NOTE

The Labelling of Fish and Aquaculture Products according to the European Communities (Labelling of Fishery and Aquaculture Products) Regulations, 2003 (S.I. No. 320 of 2003) Revision 1

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Regulations, 2003 (S.I. No. 320 of 2003) Revision I

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BACKGROUND

The Food Safety Authority of Ireland Act, 1998 established the Food Safety Authority of Ireland (FSAI) to perform the functions assigned to it by the Act.

The principal function of the Authority is to take all reasonable steps to ensure that:

- (a) food produced in the State (whether or not distributed or marketed in the State), and
- (b) food distributed or marketed in the State, meets the highest standards of food safety and hygiene reasonably attainable.

The FSAI is required, in particular, to take all reasonable steps to ensure that such food complies:

- 1) with any relevant food legislation in respect of food safety and hygiene standards, or
- 2) in the absence of any such legislation, with the provisions of generally recognised standards or codes of good practice aimed at ensuring the achievement of high standards of food hygiene and food safety.

The FSAI believes that Guidance Notes have a major role to play in helping both the regulators and the food industry to achieve a higher degree of compliance with the Regulations and with good practice generally. A good, well prepared Guidance Note must, if it is to achieve these objectives, provide regulators and industry alike with clear guidance towards the application of the relevant legislation.

While a Guidance Note is not a substitute for the Regulations, the FSAI believes that adherence to it should make compliance easier, by providing the basis for a high degree of consistency in the application of those Regulations.

Due to the widening variety of supply, particularly of fresh and chilled fishery products, it is essential to provide consumers with a minimum amount of information on the main characteristics of the products.

This publication is a guide to the labelling of fishery and aquaculture products as required by the European Communities (Labelling of Fishery and Aquaculture Products) Regulations, 2003 (S.I. No. 320 of 2003) which transposes:

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

This Guidance Note has been prepared in consultation with the Department of Communications, Marine and Natural Resources (DCMNR) and Bord Iascaigh Mhara (BIM).

DCMNR is responsible for transposing this European legislation, while BIM holds the remit for the sustainable development of the Irish seafood industry.

The FSAI has the overall responsibility for the enforcement of the European and national legislation in collaboration with the official agencies that work under service contract to the FSAI according to the FSAI Act, 1998.

DISCLAIMER

This document is intended to act as a guideline to the European Communities (Labelling of Fishery and Aquaculture Products) Regulations, 2003 (S.I. No. 320 of 2003). It does not purport to be comprehensive or to be a legal interpretation or to constitute legal or other professional advice.

Changes to the legislation can be expected in the future that will necessitate this Guidance Note being further updated.

This Guidance Note should be read in conjunction with:

- European Communities (Labelling of Fishery and Aquaculture Products) Regulations, 2003 (S.I. No. 320 of 2003)
- European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 2002 (S.I. No. 483 of 2002)
- European Communities (Fishery Products) (Health Conditions and Hygiene Rules for Production and Placing on the Market) Regulations, 1996 (S.I. No. 170 of 1996)
- European Communities (Live Bivalve Molluscs) (Health Conditions for Production and Placing on the Market) Regulations, 1996 (S.I. No. 147 of 1996)
- Food Safety Authority of Ireland - Guidance Note No.10 – Product Recall and Traceability
- Food Safety Authority of Ireland - The Labelling of Food in Ireland 2002

Examples contained in this Guidance Note are not exhaustive and are intended for illustration only.

SCOPE OF THIS GUIDANCE NOTE

It is the aim of this document to give guidance on the European Communities (Labelling of Fishery and Aquaculture Products) Regulations, 2003 (S.I. No. 320 of 2003).

Specifically, it details the labelling and packaging requirements for fishery and aquaculture products and the traceability of such products as specified in these particular Regulations. Other Regulations may also apply, and care should be taken to ensure that fishery and aquaculture products meet the requirements of all relevant legislation. Further information can be obtained from the FSAI's "The Labelling of Food in Ireland 2002"

The Regulations to which this guideline relates specifies a minimum amount of information that must be provided on the label where fishery products are sold at retail level to consumers.

In addition, for the purposes of traceability this information must be included on the commercial documents for the fishery products throughout the marketing chain, such as during processing, at wholesale level and for use by caterers.

I. INTRODUCTION

The objectives of the European Communities (Labelling of Fishery and Aquaculture Products) Regulations, 2003 (S.I. No. 320 of 2003) ("the Regulations") are to revise the organisation of the market in fishery products to take account of market developments, changes in recent years in fishing activities, the increased volume of gourmet fish on the market and the shortcomings detected in the implementation of the rules previously in force.

This Guidance Note also provides advice on best practice (highlighted in ***bold and italics***), which is considered above what is required to comply with the Regulations.

2. SCOPE OF THE REGULATIONS

The Regulations deal with the retail sale of fish to the final consumer and the consumer information that must be supplied at that point of sale.

3. RETAIL SALE

“Retail sale” is sale from a fishmonger, shop, or supermarket, or other characteristically similar sale. Catering sales (e.g. from a restaurant, “fish & chip shop” or other takeaway) are not covered by the Regulations.

4. FISH

“Fish” means raw fish to which no other ingredients (including additives, colourings, flavourings) except salt have been added and includes:

- live fish
- fresh, chilled and frozen fish
- fish fillets and other fish meat (whether minced or not)
- dried, salted or brined fish
- smoked fish (whether hot or cold smoked fish)
- crustaceans (except those which are both cooked **and** peeled)
- molluscs (except when cooked).

Fish that has been further processed (beyond simple slicing or mincing), preserved, treated or cooked are **not** covered by the Regulations. e.g. tinned or canned sardines, salmon or tuna, pickled herrings, and cooked mussels would all be outside the scope of the Regulations.

Similarly, products containing fish and other ingredients are not covered by the Regulations. Examples would include sandwiches and sandwich fillings, fish fingers, battered fish fillets, prawns coated in breadcrumbs, seafood chowders, fish pies, prawn cocktail and sauces containing fish or fish stock.

Smoked fish is covered by the Regulations except where ingredients other than those from the smoking process and salts are added, e.g. sugar, pepper or dill.

NOTE: Where these Regulations do not apply the general or specific labelling provisions in other legislation may still apply.

Small quantities of fish (that is less than € 20 in value) sold to the final consumer by a fisherman or a fish farmer are also exempt from the Regulations.

5. FINAL CONSUMER

A “final consumer” may be considered to be anyone who is not buying the fish in the course of a trade or business.

6. CONSUMER INFORMATION

There are 3 important pieces of “consumer information” to be provided at the point of sale:

- The commercial designation of the species of fish
- The method of production
- The origin.

The **commercial designation** is the name associated with the particular species of fish, e.g. the commercial designation for *Gadus morhua* is Cod. The full list of commercial designations can be found in the schedule attached to the Regulations or on the FSAI’s website – www.fsai.ie.

A commercial designation not appearing in the Irish Regulations may, however, still be used if it appears in a list of commercial designations laid down by another EU Member State in the same language as the Irish Regulations for the same species.

For practical purposes, this means commercial designations appearing in the English, Scottish, Welsh and Northern Irish Regulations may be applied and used in Ireland e.g. the commercial designation for *Scyliorhinus canicula* under the Irish Regulations is “Small-spotted catshark” or “Dogfish.”

However, in the Scottish Regulations the following commercial designations are allowed in relation to *Scyliorhinus* species – “Dogfish”, “Flake”, “Huss”, “Rigg”, “Rock Salmon” or “Rock Eel”.

This means for *Scyliorhinus*, the commercial designation “Rock Salmon” may be used, even though it does not appear in the Irish legislation, because it is published in English in another Member State’s list of commercial designations.

The **method of production** is simply the means by which the fish have been obtained. In other words, whether they have been caught (either at sea or in freshwater), or produced (farmed) by aquaculture.

For fish caught at sea the word “caught” may be used to indicate the method of production. For freshwater fish “caught in freshwater” must be used. However, where it is obvious from the commercial designation and/or the catch area (see below) that the fish were caught at sea, then the method of production may be omitted e.g. cod may be described as “Cod. Caught in the North East Atlantic.” Alternatively the expression “North East Atlantic Cod” would also be acceptable.

In respect of fish produced through aquaculture, the expressions “farmed” or “cultivated” must be used, e.g. rope grown mussels could be described as “Cultivated Irish Mussels” or “Mussels. Cultivated in Ireland.”

The **origin** of the fish must also be provided. For fish caught at sea, the origin must be specified by reference to one of 12 “catch areas.” These are:

North-West Atlantic	Central-Western Atlantic
North-East Atlantic (excluding the Baltic Sea)	South-West Atlantic
Baltic Sea	Indian Ocean
Central-Eastern Atlantic	Pacific Ocean
South-East Atlantic	Antarctic
Mediterranean Sea	Black Sea

This is the minimum amount of information that must be provided, although in addition to these catch areas, more precise information may also be added.

Where fish are caught in the Irish Sea the correct designation would be “North - East Atlantic” (as this is the defined catch area), but additional information such as “Caught off the East Coast of Ireland” may also be added.

For freshwater fish or shellfish caught in an EU Member State or another country, then reference should be made to the Member State or other country e.g. “Irish Eel” or “Scottish Perch”

For aquaculture products, the origin must indicate the Member State or third country in which the product underwent “final development.” e.g. if a fish started its life in Scotland and underwent final development in Ireland, the labelling should state “Farmed Irish fish”.

Notwithstanding this, it is recommended that as much information as is practical is provided to the consumer, to allow them to make informed choices about the fish they are buying. In the above example, a better description might be “Farmed Irish Fish. Reared in Scotland.”

Where mixtures of fish of the same species are on sale (e.g. from different catch areas, or different production methods) more than one catch area, or production method may be specified on the labelling. The catch area of the batch which is most representative in terms of quantity should be used, together with an indication that the products also come from different catch or fishfarming areas

e.g.

- Where the species have been produced by different production methods, “A mix of Trout, both farmed and caught in freshwater.”
- Where catch areas are mixed – “A mix of tuna from the Pacific Ocean and other areas.”

As far as is practical, though, it is recommended that batches are composed in such a way that the fish comprising them originate from the same production method or catch area, and this is clearly specified on labelling.

7. POINT OF SALE

The requirement to provide consumer information applies whether the fish are sold loose (e.g. from a fish counter) or in a pre-packed form. The information must be provided at the point of retail sale to the final consumer.

The required “consumer information” may, therefore, appear on the labelling of a package or on a counter label placed in close proximity to the fish to which it relates. (For more information on the display of fish and seafood please refer to the BIM “Seafood Handbook”).

8. LABELS

The Regulations do not specify requirements in respect of the layout and prominence of the consumer information.

It is recommended that the consumer information is presented such that it is:

- ***Visible***
- ***Legible***
- ***Understandable***
- ***Indelible***

The objective should be to provide consumers with sufficient, clear information about the fish they are buying. Therefore, regard should also be had for the other food labelling legislation mentioned earlier in this Guidance Note.

It should also be noted that compliance with the Regulations to which this Guidance Note relates does not excuse, nor will it serve as a defence to, contraventions of other food labelling legislation. Labelling of fish is required to comply with all the relevant legislation listed at the start of this Guidance Note.

9. NOTES FOR PRODUCERS AND WHOLESALERS

The consumer information (i.e. the commercial designation, the method of production, and the origin) as well as the scientific name of the species, must be available at each stage of marketing of the product and passed along the supply chain.

In the case of the origin, FAO catch area designations may be used in place of the descriptive name of the area e.g. “Area 27” may be used in commercial documentation in place of “North-East Atlantic”. The full list of catch area codes is available in the Annex to Commission Regulation (EC) No. 2065/2001 laying down the rules for the application of Council Regulation (EC) No. 104/2000 as regards informing consumers about fishery and aquaculture products.

This ‘traceability information’ applies to all fish and shellfish to which the Regulations apply and includes all stages of marketing, from production through any intermediate marketing stages (e.g. from producer to wholesaler). Other information may also be required under separate legislation in addition to this traceability information, e.g. details about freshness and size.

The traceability information need not be provided, however, if it is **definitely known** that the fish in question will be processed or changed such that the end product will be outside the scope of the Regulations e.g. a producer selling mussels to a processor for cooking and incorporation into a ready-to-eat product is not required to provide the information required in this legislation. Similarly, a wholesaler, selling fish to a caterer for cooking and serving as part of a meal would also not be required to provide this information.

Other legislation, however, requires that traceability information is passed to customers; therefore notwithstanding the specific requirements of these Regulations, it is recommended that producers and wholesalers pass all traceability information to all their customers to allow them to supply their consumers with as much information as possible on the fish they are purchasing.

Furthermore, the provision of full traceability information better facilitates effective product withdrawal and recall in the event of a problem arising. In such a situation, it allows affected product to be more accurately identified and prevents the unnecessary destruction of sound product. For further information see FSAI Guidance Note No.10 - Product Recall and Traceability.

Producers and wholesalers can provide the traceability information through a number of means such as, labelling on packaging or by including it on accompanying commercial documentation such as invoices, etc.

For commercial species not appearing on the schedule of commercial designations accompanying the Irish or any of the UK Regulations, a temporary designation may be issued until such time as the schedule is amended. Applications for temporary commercial designations should be made to the DCMNR.

10. ENFORCEMENT

These Regulations are “food legislation” for the purposes of the Food Safety Authority of Ireland Act, 1998. Enforcement may be carried out by DCMNR sea fisheries officers and by officers authorised under the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 2002 (S.I. No. 483 of 2002).

Officers in this latter category include environmental health officers and inspectors of Office of Director of Consumer Affairs.

Further information on the labelling of fish and aquaculture products can be obtained from the FSAI's Advice Line on **1890 33 66 77**. Copies of the list of commercial designations accompanying the Regulations can be found on the FSAI's website: www.fsai.ie

The relevant UK Regulations and associated commercial designations may be accessed via the HMSO website: www.hmso.gov.uk

- Statutory Instrument 2003 No. 461 - The Fish Labelling (England) Regulations 2003
- Scottish Statutory Instrument 2003 No. 145 - The Fish Labelling (Scotland) Regulations 2003
- Welsh Statutory Instrument 2003 No. 1635 (W.177) - The Fish Labelling (Wales) Regulations 2003
- Statutory Rule 2003 No. 160 - Fish Labelling Regulations (Northern Ireland) 2003.

Copies of BIM's Seafood Handbook can be obtained from:

Bord Iascaigh Mhara,
P.O. Box 12, Crofton Road, Dun Laoghaire,
Co. Dublin, Ireland.



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