

## Traceability and consumer information requirements

Note: These regulations include the consumer information requirements currently provided under Commission Regulation (EC) No 2065/2001 on fish marketing. As this regulation is currently included under the review of the Common Fisheries Policy there may be changes that will require amendment to this guide. As such therefore this guide has been produced as a working draft. For further information or comment please contact Fiona Wright [f\\_wright@seafish.co.uk](mailto:f_wright@seafish.co.uk) or Peter Wilson [p\\_wilson@seafish.co.uk](mailto:p_wilson@seafish.co.uk) at Seafish.

### 1. Introduction

European fisheries control measures were reviewed and consolidated under Commission Regulation 01224/2009 with further implementing measures provided under Regulation 404/2011. This applies minimum labelling and information requirements throughout the supply chain both up to retail and to the consumer. It does not apply to fishery products imported under IUU regulations nor those that fall under the CN16 customs tariff heading. This document provides guidance on the application of these requirements within the seafood sector.

### 2. Background

European Fisheries Control Measures were reviewed following shortcomings identified in the system that had been in force since 1994 and a need to update the system for the inspection, monitoring, control, surveillance and enforcement of Common Fisheries Policy rules.

The new control system extends along the whole chain of production and marketing. Within the supply chain it fits within the existing food traceability system contained in Regulation (EC) No 178/2002 laying down the general principles and requirements of food law.

It also considers the interests of consumers by providing the information concerning the commercial designation, the production method and the catch area as currently contained in Commission Regulation (EC) No 2065/2001 informing consumers about fishery and aquaculture products. This regulation is also currently under review within the Common Fisheries Policy.

### 3. From when do the requirements apply?

Although Regulation 01224/2009 came into force on 1 January 2010 a number of the provisions have been phased in to allow industry time to meet with the provisions.

The supply chain traceability and consumer information requirements applied from January 2012.

For fisheries subject to a multi-annual plan (recovery stocks) the supply chain traceability requirements must be made electronically from 1 January 2013 and for other fisheries and aquaculture products from 1 January 2015. Information on which stocks this applies to can be obtained from the local fisheries department.

**4. Do the traceability and consumer information requirements apply to all seafood products?**

No. Although the regulations apply to all fisheries and aquaculture products that fall under customs tariff headings CN 03, CN1604 and CN1605 placed on the market within the EU, there are a number of exemptions. This effectively limits the requirements to CN03 products caught or grown within the EU and its waters.

**5. What are CN03, CN1604 and CN1605 products?**

The EU categorises products into commodity codes (CN codes) which are then used for applying any taxes or relief on import of goods. This method of categorising fish is used in marketing legislation such as the common fisheries policy.

CN 03 includes 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 includes prepared 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 categorize products, can be found here <http://online.businesslink.gov.uk/bdotg/action/tariff>

**6. What exemptions are there from the traceability requirements?**

There are a number of exemptions from the traceability requirements although the consumer information may still apply.

**a) Third Country Imports**

Imported fisheries and aquaculture products from third countries under the IUU Regulation (EC) 1005/2008 which establishes a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. It also includes imported fisheries and aquaculture products excluded from the IUU Regulation thereby exempting all legally imported products from the requirement for supply chain traceability information.

**b) Freshwater and ornamental products**

Fisheries and aquaculture products caught or farmed in freshwater or ornamental fish, crustaceans and molluscs.

**c) CN1604 and CN1605 products**

Fisheries and aquaculture products within tariff headings CN1604 and CN1605.

**d) 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.

**7. What are the traceability requirements?**

All fisheries and aquaculture products must be put into 'lots' before first sale and be traceable at all subsequent stages of production, processing and distribution up to retail.

Operators must be able to identify who has supplied lots of fisheries or aquaculture products to them and to whom products have subsequently been supplied except when they are final consumers. Under Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, food must already be traceable at all stages of production up to and including retail. Food businesses should therefore already be in compliance with this.

**8. How is the traceability information intended to pass through the various stages up to production?**

The information can be provided directly on the lot by means of its labelling or packaging. The information can also be on physical documents accompanying the lot. If so there should be a means of identifying the lot attached to it which can be linked to the accompanying documents.

This is already a requirement under European regulation on fish marketing. Food businesses in compliance with this should therefore already meet with some and possibly all of the new information requirements. If not any additional information should be included within their system already in place.

However, as stated under point 3 the regulation intends that 'operators affix the information . . . by way of an identification tool such as a code, barcode, electronic chip or a similar device or marking system'. For fisheries subject to a multi-annual plan (recovery stocks) this applies from 1 January 2013 and for other fisheries and aquaculture products from 1 January 2015.

The information on the lot should be available throughout the supply chain in a way that is accessible by competent authorities of Member States at all times. (404/67/5) Where electronic systems are used this will require such systems to be compatible with that in other Member States.

**9. Minimum labelling and information requirements**

Minimum labelling and information requirements for all lots shall include their identification number, name of fishing vessel or aquaculture unit; FAO alpha-3 code; date of catch or production; quantity; detail of supplier; commercial designation, scientific name, catch area

and production method as is currently the case and whether the products have been previously frozen or not.

Although a significant increase in catch information over what is currently required, most of this is already logged on the sales note which remains unchanged from current requirements. Details of this can be found under the MMO Policy and Operational Guide 'Completion of Sales Notes' March 2010. It may be possible to transfer this information directly from the sales note.

Operators are required to make this information available at least by first sale or when it comes available following the merging or splitting of lots.

### **9.1. Lot identification number**

What is a 'lot'? 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.'

Each lot must be provided with an identification number.

### **9.2. Merging of lots**

Lots may be merged or split after first sale providing it is possible to trace them back to the catching or harvesting areas at least by means of the lot identification number.

If lots are merged or split a new lot identification number should be provided.

### **9.3. Name of fishing vessel or aquaculture unit**

For a fishing vessel this is both its name and identification number as required on the sales note.

### **9.4. FAO alpha-3 code**

This is the species code as required on the sales note.

### **9.5.9.5 Date of catches or production**

This can include several calendar days or one period of time corresponding to several dates of catches. However, the date of landing as recorded on the sales note can be used.

### **9.6. 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.

### **9.7. Detail of supplier**

The name and address of the immediate supplier. Where applicable this may be provided by the health mark (establishment number) applied to product under the hygiene regulations.

### **9.8. Commercial designation and scientific name**

Commercial designations and scientific names are currently stipulated under the UK Fish Labelling Regulations 2010 (England, Scotland, Wales and Northern Ireland).

### **9.9. Catch area**

Under these regulations the catch area for products caught at sea is defined for both quota and non quota stocks.

For quota stocks the catch area is the relevant geographical area which currently is defined as 'a sea area that is considered as a unit for the purposes of geographical classification in fisheries expressed by reference to a FAO sub-area, division or sub-division, or where applicable an ICES statistical rectangle, fishing effort zone, economic zone or area bounded by geographical coordinates;'

For non quota stocks this is as currently required under the EU fish marketing regulations and defined as one of 12 FAO sea areas which encompass the sea on a global basis or for fresh water and aquaculture the country of origin. For UK purposes this Area is FAO 27 which covers the North East Atlantic and recorded on the sales note.

For aquaculture products a reference to the Member State or third country in which it undergoes the final development stage.

### **9.10. Production method**

Production method is whether wild caught or farmed. More information on capture method can be given as voluntary information.

### **9.11. Indication of whether the products have been previously frozen or not.**

A declaration of 'defrosted' if the product has been previously frozen and is sold defrosted.

This is not required where freezing has been carried out for food safety purposes i.e. parasite control, but freezing must have been carried out in accordance with procedures in Annex III, Section VIII, or regulation 853/2004.

This is also not required on products which have been defrosted before the process of smoking, salting, cooking, pickling, drying or a combination of these processes. Nor is it required for product frozen as part of the production process such as for skinning.

#### **10. What information must be presented to the consumer?**

Commercial designation, scientific name, catch area and production method as is indicated under the EU fish marketing regulations and whether the products have been previously frozen or not must be presented to the consumer at retail.

#### **11. How should the information to the consumer be presented?**

The Information should be presented on the label accompanying the fish, the definition of labelling under the Food Labelling Directive can be used, this defines 'labelling' as 'in relation to a food, includes any words, particulars, trade mark, brand name, pictorial matter or symbol relating to the food and appearing on the packaging of the food or on any document, notice, label, ring or collar accompanying the food'.

The scientific name may also be provided to the consumer by means of commercial information such as bill boards or posters.

#### **12. Does the consumer information apply to all fisheries and aquaculture products?**

It does not apply to fisheries and aquaculture products falling under tariff headings CN 1604 and CN 1605 but does apply to all other products offered for retail sale, including imports.

#### **13. What if seafood is being brought into UK from another Member State?**

If food has been produced in another member state the same rules will apply. Member States should ensure that the information is available to all other Member States if required.

#### **14. How long does the information need to be kept?**

Three years.

#### **15. What should I do if the fish is supplied without the information?**

It will be an offence to not have the information available so those businesses being supplied with fishery products should ensure they have it.

#### **16. How will the requirements be enforced?**

Trading Standards have responsibility for enforcement of the traceability and consumer information requirements.

Seafish, Origin Way, Europarc, Grimsby DN37 9TZ  
t: 01472 252300 f: 01472 268792  
e: [seafish@seafish.co.uk](mailto:seafish@seafish.co.uk) w: [www.seafish.org](http://www.seafish.org)

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