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## Introduction

As part of the recent reform of the EU Common Fisheries Policy, the requirement to provide the consumer with information on the production of fisheries and aquaculture products was reviewed and extended under a new Common Organisation of the Markets Regulation (EU) No 1379/2013 (CMO). This requires additional information to that previously provided to be made available to the consumer and extended this to include mass caterers. It generally applies to unprocessed fishery products only and came into force in December 2014.

The EU fisheries control regulation (EC) 1224/2009 requires the traceability and availability of production information on unprocessed fishery and aquaculture products throughout the supply chain. This has been amended to account for the additional catch information required.

The control regulation only applies to fishery and aquaculture products from EU waters and landed into the EU. Although not included within the scope of this guidance, control measures are also 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.

New food labelling requirements under the Food Information to Consumers (FIC) Regulation (EU) 1169/2011 also came into force in December 2014. Fishery and aquaculture products must comply with both regulations when presenting these products to the consumer and mass caterer. This guidance deals with the provision of information under the CMO regulation only. Seafish guidance on the FIC as applied to fishery and aquaculture products is available at:

[http://www.seafish.org/media/Publications/Seafish\\_labelling\\_update\\_2016\\_v2\\_1.pdf](http://www.seafish.org/media/Publications/Seafish_labelling_update_2016_v2_1.pdf)

Part 1 of this guide provides guidance on the traceability and availability of production information within the supply chain as required under the fisheries control regulations. Part 2 provides guidance on the provision of production information to consumers and mass caterers.

Seafish have previously published separate guidance on traceability under the EU fisheries control and common organisation of the markets regulations. This document replaces these 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 under EU fisheries control regulation**

Product traceability is already a requirement under European Food Law which adopts the 'one up one down' approach for prescribed supplier and consumer information. Hence there is already 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 in addition require prescribed information on fisheries and aquaculture products to be available throughout the supply chain.

Although not included within the scope of this guidance, control measures are also applied to imports from non EU countries. This includes a catch certification scheme to prove the fish was legally sourced and provide catch information on entry to the EU

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

The fisheries control requirements apply 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). It does not apply to processed product falling under CN1604 and CN1605 codes.

CN 03 product codes include fish and shellfish that do not have any 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 database 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 outside the European Union

Although exempt from the EU fisheries control traceability requirements, third country imports are still subject to the need to provide catch information to the consumer and mass caterer under the CMO regulation in Part 2.

- 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 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 and mass caterer 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.'

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 when two vessels pair trawl then both vessel details should be included

Date of catch or harvest

This can include individual calendar days or one continuous period of time

Quantity

The quantity in kilograms of each species expressed in net weight at each stage of production or where appropriate the number of individual fish or shellfish

Area where caught or farmed

See Part 2 consumer information and annex 1

Category of fishing gear used

See Part 2 consumer information and annex 4

Commercial designation and scientific name

See Part 2 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'.

For wild caught fisheries sales information 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 to buyers.

Ways of achieving this on fish markets 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 and shellfish are transported away from the port or place of landing 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 fish markets fish may be available from not only UK vessels but other Member States and non EU countries or alternatively processors may source directly.

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

Third country imports require catch certificates and are exempt from the fisheries control traceability requirements. Third country imports are still subject to the need to provide information to the consumer and mass caterer under the CMO regulation covered under

## **PART 2 - Consumer Information**

This section provides guidance on the provision of prescribed information on fisheries and aquaculture products to both the consumer and mass caterer as required under the Common Organisation of the Markets Regulation (EU) No1379/2013 (CMO).

Fishery and aquaculture products must also comply with food labelling requirements under the Food Information to Consumers (FIC) Regulation (EU) 1169/2011. These requirements are outside the scope of this guide.

One significant difference between the two regulations is that the CMO includes non-prepacked seafood whereas the FIC does not.

Seafish guidance on the FIC as applied to fishery products is available at:  
[http://www.seafish.org/media/Publications/Seafish\\_labelling\\_update\\_2016\\_v2\\_1.pdf](http://www.seafish.org/media/Publications/Seafish_labelling_update_2016_v2_1.pdf)

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

### **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](http://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 Global Information System on Fish or the Aquatic Sciences and Fisheries Information System database of the Food and Agriculture Organisation at [www.fishbase.org](http://www.fishbase.org) or [www.fao.org/fishery/collection/asfis/en](http://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

The Food and Agriculture Organisation of the United Nations (FAO) designates global fishing areas by numeric code. These in turn are often sub divided into sub areas and then further to divisions.

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**

<b>SUB AREA</b>	<b>NAME</b>	<b>DIVISION</b>	<b>NAME</b>
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

<b>SUB AREA</b>	<b>NAME</b>
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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