



Association of Port Health Authorities

Guidance for Importers and Enforcement Officers

APHA Guidance

Identification Marking of Fishery Products imported into the EU



Sources of Further Information

If you have any queries about the importation of goods into the UK there are a number of different places that you can go to for help.

The Food Standards Agency, Imported Food Division has a useful website as well as a helpline and is the Government contact for Public Health and Fish policy queries.

Website http://www.food.gov.uk/foodindustry/imports/want_to_import/fisheryproducts/
Helpline 020 7276 8018
Email imported.food@foodstandards.gsi.gov.uk

For guidance on traceability requirements for food businesses see:-
www.food.gov.uk/foodindustry/guidancenotes/foodguid/generalfoodlaw

For guidance on Fish Labelling rules see:-
<http://www.food.gov.uk/multimedia/pdfs/publication/fishlabelsregs1007.pdf>

For a database of legislation and guidance relating to imported food controls see: -
<https://grail.foodapps.co.uk/grail/general/home.aspx>

Association of Port Health Authorities (APHA) has information and guidance on their website as well as contact details of all Local Authority BIPs on

Website www.porthealth.co.uk
Helpline 01473 40 70 40
Email apha@porthealth.co.uk

Sea Fish Industry Authority (Seafish) legislation team provides information and guidance for importers and producers on European and UK legislation.

Website Business to Business Website www.seafish.org/b2b
Helpline 01482 327837
email fishlaw@seafish.co.uk

Businesslink have created a series of [guides to assist importers](#) which can be found at www.businesslink.gov.uk

This information is for guidance only and is not a definitive interpretation of the law, which only the courts can provide. It is the responsibility of the individual business to ensure compliance with the law.

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Introduction and Background

Introduction

This guidance document has been prepared by the Association of Port Health Authorities in consultation with representatives of UK BIPs, the Sea Fish Industry Authority and the Food Standards Agency. It is aimed at importers and Local Authority enforcement officers to promote compliance and consistent enforcement decisions.

The identification marking of products of animal origin is an important part of the traceability system. This guidance was drawn up specifically to address the **identification marking of fishery products** and does not provide general guidance on compliance with the traceability requirements of Article 18 of Regulation 178/2002, or on fish labelling rules. (Guidance on these subjects can be found on the FSA website see Sources of Further Information)

Legislative changes have introduced a new and more detailed set of requirements that are applicable to the identification marking of fishery products; following this Local Authority BIPs have been considering their interpretation, as have importers.

The rules governing the identification marking of fishery products are in place to protect public health. The requirements ensure that key traceability information is available throughout the food chain. Where a consignment does not meet the requirements, importation cannot be permitted. Such rejections are costly for the importer and therefore it is important to assist with the correct interpretation of the legislation. Through the development of this guidance, it is hoped that an advisory standard has been clearly set out that can be adopted by trade and enforcement authorities with a view to promoting compliance and supporting consistent interpretation and enforcement at import.

This guidance does not have statutory authority; it is intended to be a practical guide only, however, importers of fishery products may find it beneficial to check existing labelling against this advisory standard and to consider the requirements when purchasing new products and specifying new packaging.

This guidance makes the use of worked examples to explain some of the concepts explored in this document, however it is recognised that these scenarios will not be exhaustive and that individual imports may differ subtly from the examples given. It is the responsibility of Official Fish Inspectors (OFIs) / Official Veterinarians (OVs) working at the BIP to use their professional judgement to decide whether a consignment complies with the legislation.

If after reading this guidance you require further assistance, a list of sources of further information is provided in this guide. Officers at the BIP will always be pleased to help you.

Background

Traceability

It is a key element of the hygiene regulations that a product can be traced throughout the food chain. The general requirements relating to the traceability can be found in Article 18 of Regulation [178/2002](#) and the FSA has published some specific [Guidance Notes](#) to the Regulation. For certain products of animal origin including fishery products the identification marking has been prescribed in separate legislation. A more detailed review of these requirements can be found later in this document.

Traceability is an important tool in the protection of public health. Food businesses are required to retain information about suppliers and customers so that in the event of a food safety emergency food can be traced backwards or forwards through the food chain, enabling the withdrawal or recall of food from the market where required. Such a recall could occur in the event of the product being found to be contaminated e.g. with veterinary medicines, heavy metals, dioxins or histamine.

As well as indicating that the production was in accordance with legal requirements, the identification mark enables the accurate location of the affected goods by the food business/ competent authority in the event that recall/ withdrawal is required.

The detailed requirements of Commission Regulation 853/2004 have been designed to ensure that for products of animal origin the country and establishment of origin is available throughout the food chain either on the documents or the product/ packaging. Where this mark is removed e.g. due to processing, a new mark is to be applied.

Import Checks

When POAO including fishery products are imported, checks are carried out at a BIP to ensure that the import conditions laid down in the legislation have been met.

EU legislation sets out conditions that are applicable to the production and placing on the market of POAO. These conditions are in place throughout the Community for the protection of public (human) and animal health. For products that are imported from outside the Community, controls are in place to ensure that standards required by Community law have been met. Compliance during production, processing and packaging is verified by the Competent Authority, appointed by the Government of the exporting country, who issues a health certificate to confirm that the required standards have been met. Checks are then carried out at the BIP where the product is imported into the Community to ensure that the relevant health certification has been issued and that the import conditions have been complied with.

Checks on identification markings

At the BIP, checks are carried out on all imports of POAO; in accordance with Community legislation, particularly [Council Directive 97/78](#), as enacted in the Products of Animal Origin (Third Country Imports)(England) Regulations 2006 (as amended), and parallel legislation in the devolved administrations.

Most consignments of fishery products are subject to at least an identity check, *a check by visual inspection to ensure that the veterinary certificates or veterinary documents or other documents provided for by veterinary legislation tally with the product itself*. This check may consist of checks on the official seals on the container, detailed examination of the consignment which involves checking that the stamps, official marks, official labelling and identification marks on the product or packaging match with those recorded in the documents for the consignment.

If the identification marking on the consignment does not meet the requirements of the legislation it will be determined that the identity check has failed and the importer will be served with a formal notice under the POAO legislation. In these circumstances the importer would normally be required to re-export (outside the EU) or destroy the consignment.

Legislation and Key Definitions

The Hygiene Legislation

At the BIP the requirements for the identification marking of fishery products is enforced through the Products of Animal Origin (Third Country Imports) (England) Regulations 2006 (as amended). Section I of Annex II of Regulation [853/2004](#) sets out the main requirements relating to identification marking for POAO. Article 5 (Relating to health and identification marking) and 6 (Relating to POAO from outside the Community) refers to the circumstances in which a health/ identification mark is required.

The production of POAO is regulated by EU Hygiene Legislation. Regulation [852/2004](#) on the hygiene of foodstuffs is applicable to **all** food whether it was produced in the EU or imported; this document contains some of the key definitions such as those for wrapping and packaging. The general requirements of 852/2004 are supplemented by some more specific requirements of [853/2004](#) which lays down the specific hygiene rules for food of animal origin and [854/2004](#) laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption.

The legislation does not provide for every definition that might be of use in interpreting the requirements. Where a key definition is not available an interpretation has been provided for guidance. Where definitions have been provided for this guidance the definition is intended to apply to interpretation of the requirements for the identification marking of fishery products only, and may not be appropriate in other situations.

Definitions

Term	Definition	Source
Bulk	Product that is unwrapped and unpacked and is of the same or a similar kind or nature.	Guidance
Consignment	Means a quantity of products of the same type, covered by the same veterinary certificate(s) or veterinary documents(s), or other document(s) provided for by the veterinary legislation, conveyed by the same means of transport and coming from the same third country or part of such country.	CD 97/78
Establishment	Any unit of a food business.	CR 852/2004
Final Consumer	Means the ultimate consumer of a foodstuff who will not use the food as part of any food business operation or activity.	CR 178/2002
Handling	Any activity that involves contact with the exposed fishery product. Note:- Storage or distribution of packaged/ wrapped product does not constitute handling.	Guidance
Hermetically sealed container	Means a container that is designed and intended to be secure against the entry of hazards.	CR 852/2004
Import conditions	Means veterinary requirements for products to be imported, as laid down in community legislation	CD 97/78
Master Carton	The outermost layer of a packaging	Guidance
Packaging	Means the placing of one or more wrapped foodstuffs in a second container, and the latter container itself.	CR 852/2004

Term	Definition	Source
Placing on the market	Means the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer themselves.	CR 178/2002
Prepared fishery products	Means unprocessed fishery products that have undergone an operation affecting their anatomical wholeness, such as gutting, heading, slicing, filleting, and chopping.	CR 853/2004
Processed products	Means foodstuff resulting from the processing of unprocessed products. These products may contain ingredients that are necessary for their manufacture or to give them specific characteristics.	CR 852/2004
Processing	Means any action that substantially alters the initial product, including heating, smoking, curing, maturing, drying, marinating, extraction, extrusion, or a combination of those processes.	CR 852/2004
	Note:- This does not include gutting, filleting, chilling, thawing, or freezing.	Guidance
Retail	Means the handling and/ or processing of food and its storage at the point of sale or delivery to the final consumer, and includes distribution terminals, catering operations, factory canteens, institutional catering, restaurants, and other similar food service operations, shops, supermarket distribution centres and wholesale outlets.	CR 178/2002
Traceability	Means the ability to trace and follow food, feed, food-producing animal or substance intended to be, or expected to be incorporated into a food or feed, through all stages of production, processing and distribution.	CR 178/2002
Unprocessed products	Means foodstuffs that have not undergone processing, and includes products that have been divided, parted, severed, sliced, boned, minced, skinned, ground, cut, cleaned, trimmed, husked, milled, chilled, frozen, deep-frozen or thawed.	CR 852/2004
Wrapping	Means the placing of the foodstuff in a wrapper or container in direct contact with the foodstuff concerned, and the wrapper or container itself.	CR 852/2004

Understanding the Identification Marking Requirements

The following section provides a detailed review of the current legislation and its requirements. In brief the requirements are that a product should be permanently marked with the Country and Establishment of Origin at all stages from production to delivery to the final consumer and that these marks must be clearly displayed to the enforcement officer.

The New Identification Marking Requirements

The new requirements took effect on the 1st May 2007, and are contained in the hygiene legislation. The legislation introduced a single set of import conditions, and a general health certificate for fishery products.

With the introduction of the new standards, the country-specific decisions were repealed (with the exception of the Decision relating to requirements for fishery products from the USA, which is still in force), and with them the country-specific requirements for the identification marking of fishery products. Following this the identification marking requirements fall to those contained within Council Regulation 853/2004 as amended.

A copy of the full requirements of Annex II Council Regulation 853/2004 (as amended by Commission Regulation 1662/2006) is located in [Appendix I](#) to this document, and the main requirements have been addressed individually in the following section.

Details of the previous ID marking regime are included at [Appendix 2](#) for comparison purposes. These requirements remain in force in addition to the requirements of the hygiene regulations for products from the USA (until Decision 2006/199/EC is repealed).

Chapter I, Article 1 paragraph 2 of Council Regulation 853/2004 states that unless expressly indicated to the contrary, this regulation shall not apply to food containing both products of plant origin and processed products of animal origin. However, Section I of Annex II states that *food business operators must ensure that products of animal origin have an identification mark applied*. Commission Decision 2007/275 establishes a list of products of animal origin and therefore the list of products for which the identification marking rules apply.

Examining the Identification Marking Rules

In the following section the relevant points from the Annex II Regulation 853/2004 requirements are examined individually. A copy of the full requirements is located in [Appendix I](#).

1. The identification mark must be applied to the product before it leaves the establishment.

Where an identification mark needs to be applied to the product, it must be applied at the production establishment, and not at a later stage. This is to ensure that the product can be traced back to the establishment of origin at all times.

It can also be derived from this (and the options that are available for consignments failing to comply with import conditions) that consignments arriving at the BIP without the correct marking may **not** subsequently be marked at the BIP and deemed satisfactory.

[Up to definitions](#)

5. The mark must be legible and indelible, and the characters easily decipherable. It must be clearly displayed for the competent authorities.

For the purposes of this guidance the following definitions have been determined.

Term	Definition	Best Practice Guidance
<i>legible</i>	clear enough to read	<ul style="list-style-type: none"> The text should be of a sufficient size to be read. Embossed marks are often difficult to read, problems with the equipment can mean that the mark is not deep enough to decipher. Handwritten marks must be clear and unambiguous; because experience shows that handwritten marks are often indistinct, they cannot be recommended.
<i>indelible</i>	unable to be removed	<ul style="list-style-type: none"> The mark should be waterproof. The mark needs to be resistant to scratching off or sliding off, and resilient enough to survive the transport conditions intact. For example, for frozen goods, the mark needs to be freezer proof.
<i>easily decipherable</i>	easy to understand or interpret	<ul style="list-style-type: none"> The nature of the mark must be clear. Marks that are embedded within a code are often confusing.
<i>clearly displayed</i>	prominently placed	<ul style="list-style-type: none"> It should not be necessary to open packages/ remove wrapping or look through opaque packaging to locate the identification mark

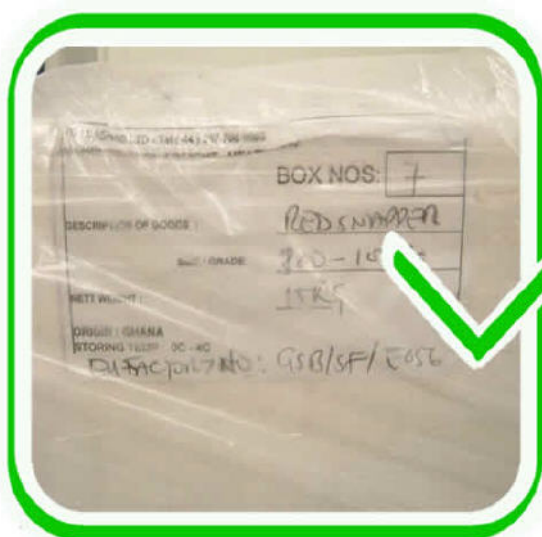
[Up to definitions](#)



Handwritten marks are often difficult to decipher and can scratch off non-porous surfaces during transport. The marking on this consignment is unsatisfactory.



Stamped marks can clearly show the required information, but take care to ensure that the ink is dark enough, and that the text is not smudged. The marking on this consignment is satisfactory.



Placing the label behind a protective bag is compliant, the bag should be transparent.



Attaching the label to the carton with tape is compliant but is not recommended. Problems may occur with the label being ripped off when the cartons are handled or the tape losing its adhesive qualities due to low transport temperatures.

6. The mark must indicate the name of the country in which the establishment is located, which may be written out in full or shown as a two letter code in accordance with the relevant ISO standard.

The relevant ISO country codes are found in [ISO 3166](#)

Where fish labelling regulations requires that the Country of Origin is displayed on the packaging, it is not necessary that the Establishment number is in the same location.

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7. The mark must indicate the approval number of the establishment....

A third country that is approved by the EU can allocate an approval number to an establishment when it has been determined to meet the hygiene requirements. These countries are often referred to as List I countries. A list of the [approved establishments and their approval numbers](#) is published by the EU. For countries that are not subject to full EU approval (List II Countries) and with whom the UK has a bilateral agreement, details of the relevant [approval numbers](#) can be found on the FSA website.

It is misleading to apply the approval number of the UK establishment of destination to a product that is in its retail packaging. A new mark only needs to be applied when a products packaging and/ or wrapping is removed or it is further processed in another establishment (ref. Point 2).

- 9. The mark may, depending on the presentation of different products of animal origin, be applied directly to the product, the wrapping or the packaging, or be printed on a label affixed to the product, the wrapping or the packaging. The mark may also be an irremovable tag made of a resistant material.**

With fishery products, marks are usually applied to the wrapping or packaging instead of to the product itself.

The use of labels affixed to the packaging is one of the most common ways of marking fishery products, however there are some common problems that have been found at import:-

- making the identification marking of the goods a manual process introduces an element of human error, consignments have been rejected at import where labels containing ID marks have not been attached to some or all of the product
- the handling of the consignment can cause the label to be damaged or lost
- temperature during transport/ storage can adversely affect the label/ label adhesive,
 - At low temperatures the adhesive properties of the label/ tape may be lost
 - Plastic tags if used may also become brittle and snapThe method used may need to be capable of withstanding the transport conditions which for frozen fishery products could be lower than -18°C
- gummed labels do not adhere well to waxed cartons

[Up to definitions](#)

- 11. For products of animal origin that are placed in transport containers or large packages and are intended for further handling, processing, wrapping or packaging in another establishment, the mark may be applied to the external surface of the container or packaging.**

This requirement is a change to the previous law, and allows for goods being brought into the EU for handling, processing, wrapping or packaging to be marked only on the master carton/ outermost layer of packaging. The mark is required to be applied to the external surface so that it may be easily inspected at the BIP, also if an issue arose with the consignment where traceability needed to be established the origin of the goods could clearly be identified.

Where a consignment is shipped with a reduced level of marking, it is recommended that the documentation and labelling clearly states that the consignment is for further handling, processing, wrapping or packaging as appropriate. The OFI at the BIP may carry out further checks on the intended use of the consignment such as checking the destination on the health certificate and CVED to ensure that the declared use matches up with the business activity.

Examples of the application of this point are provided in the [following section](#).



This consignment is for further processing and the mark has been applied to the outermost layer of packaging.

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- 12. In the case of liquid, granulate and powdered products of animal origin carried in bulk, and fishery products carried in bulk, an identification mark is not necessary if accompanying documentation contains the information specified in points 6, 7 and, where appropriate, 8.**

The wording of this requirement for fishery products is wider than that for other POAO which restricts the transportation of these products to liquid, granulate and powdered form. The derogation for fishery products allows for the bulk transportation of fishery products, the form of the product is not specified.

Where goods are transported in bulk the relevant identification marks are to be located on the documentation. This information will always be present on the Health Certificate, and may be shown on other documents in addition to this.

This exemption is for fishery products carried in bulk, including products such as fish oil in a bulk shipping container, frozen fish in palletainers and fresh fish iced in 0.5-tonne-plus reusable containers, or in tanks of seawater..

[Up to definitions](#)



- 13. When products of animal origin are placed in a package destined for direct supply to the final consumer, it is sufficient to apply the mark to the exterior of that package only.**

The previous standard required that every layer of packaging was to be marked. This point presents more of a pragmatic approach; requiring the retail pack to be the innermost layer of packaging that needs to be marked.

Note - point 5 will also apply in that the mark is required to be displayed for the enforcement authority to inspect i.e. where the retail packs are transported in another carton, this outermost layer of packaging must also bear the identification marks..

Examples of the application of this point are provided in the [following section](#).

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Some Practical Examples

Example 1 – Further Processing

A consignment of block frozen shrimp arrives at the BIP. The master carton is marked with the Country and Establishment number of origin. The next layer of packaging is a branded pre-printed cardboard carton which is not marked. The shrimp block is enclosed within a sealed poly-liner which is not marked.

Decision

After investigation the consignment was found to be compliant and was permitted.

The law (853/2004 Annex II, Section I (11)), states that:-

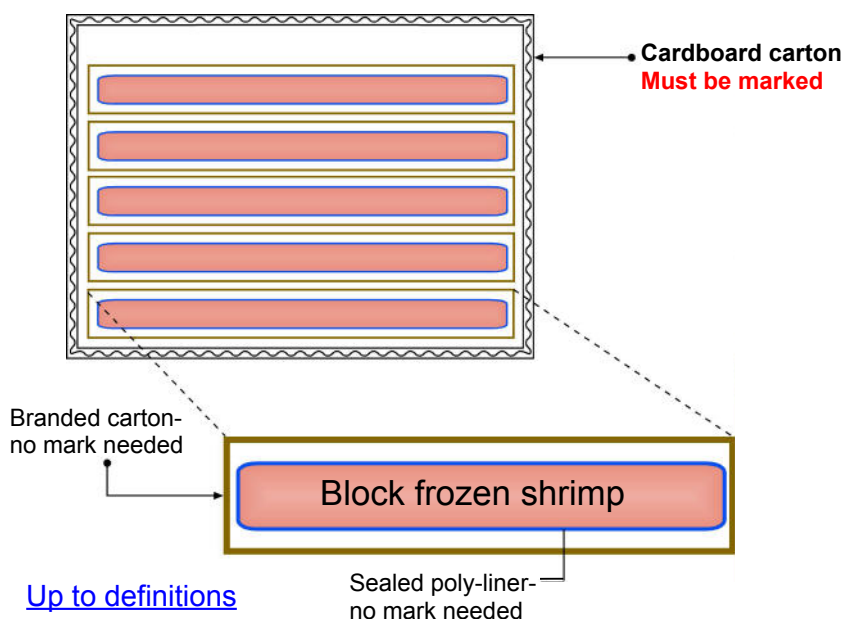
For products of animal origin that are placed in transport containers or large packages and are intended for further handling, processing, wrapping or packaging in another establishment, the mark may be applied to the external surface of the container or packaging.

The marking on the outer/ master carton is sufficient providing that the product is to be subject to one of the permitted activities. The consignment is not marked for further processing, however a fax from the importer submitted with the health certificate and other commercial documents indicates that the product is to be subject to further processing. The officer at the BIP checks the destination on the health certificate and CVED and sees that the consignment has a realistic destination, and finds the marking to be satisfactory.

Notes

- 1 In this example the packaging is branded and it is conceivable that the product could be placed on retail sale, however, it is recognised that product imported in branded packaging may be imported for one of the intended uses specified. There are concerns about the potential for such goods to be diverted for retail sale following importation. If after importation, the original intention for the goods is not followed through; the product must not be placed on retail sale without the correct identification marking being applied in an approved establishment. It is an offence to retail products that are not properly marked.
- 2 The delivery address on the CVED may be that of an intermediate storage facility where the product is to be delivered prior to it being required for processing. In this case the importer would need to provide sufficient evidence to the Officer to demonstrate the intended use.

Diagram 1- Block frozen shrimp for further processing



Example 2 – Further Processing

A consignment of tuna loins arrives at the BIP; the master carton is marked with the country and establishment of origin. Each loin is individually shrink wrapped – this is not marked. The importer advises that the product is not intended to be retailed in this form as the units are too large and that the shrink wrapping is to preserve the quality of the product. The importer of the consignment has not yet identified a buyer for the consignment in the UK and will be placing it into a warehouse on arrival.

Decision

This consignment would not be permitted.

The law (853/2004 Annex II, Section I (11)), states that:-

For products of animal origin that are placed in transport containers or large packages and are intended for further handling, processing, wrapping or packaging in another establishment, the mark may be applied to the external surface of the container or packaging.

The next activity that the consignment would be subject to is storage and distribution, and not “further handling, processing, wrapping or packaging”. Without a buyer for the product the final use of the product cannot be known and therefore it cannot be proven whether this point applies.

[Up to definitions](#)

Example 3 – Retail Sale of a loose product

A consignment of fresh gutted fish arrives at the BIP; it is packed into a polystyrene box, which is in turn packed in a cardboard carton. The external cardboard carton is labelled with the appropriate identification marks and the internal polystyrene box has been left blank. The fish inside are not individually wrapped and are not going for further processing, but will be going to retail to be sold loose.

Decision

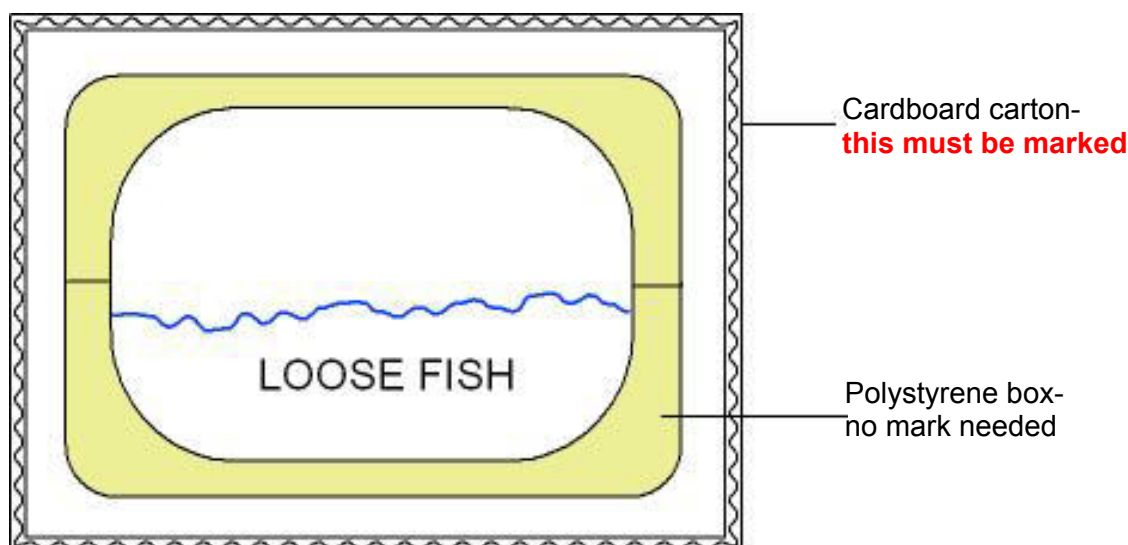
After investigation the consignment was found to be compliant and was permitted.

The law (853/2004 Annex II, Section I (11)), states that:-

For products of animal origin that are placed in transport containers or large packages and are intended for further handling, processing, wrapping or packaging in another establishment, the mark may be applied to the external surface of the container or packaging.

Enquiries with the importer of the goods revealed that the product was not destined for an establishment where further processing would be carried out; however, the retail sale of the loose product will involve further handling therefore the requirements of point 11 apply, and it is sufficient to apply the mark to the external surface of the container or package.

Diagram 2- Loose fresh fish for retail sale



[Up to definitions](#)

Example 4 – Retail Sale of a pre-packed product

A consignment of prawn rings is imported. The printed/ branded cardboard retail packages fully enclose the product, and are correctly marked with the Country and Establishment Number of Origin. Inside this retail packaging there is a heat sealed poly wrapper inside which there is a plastic tray containing the product.

Decision

The consignment would be permitted.

The law 853/2004 Annex II, Section I (13) relates to the import of goods that are packaged for the final consumer and states that:-

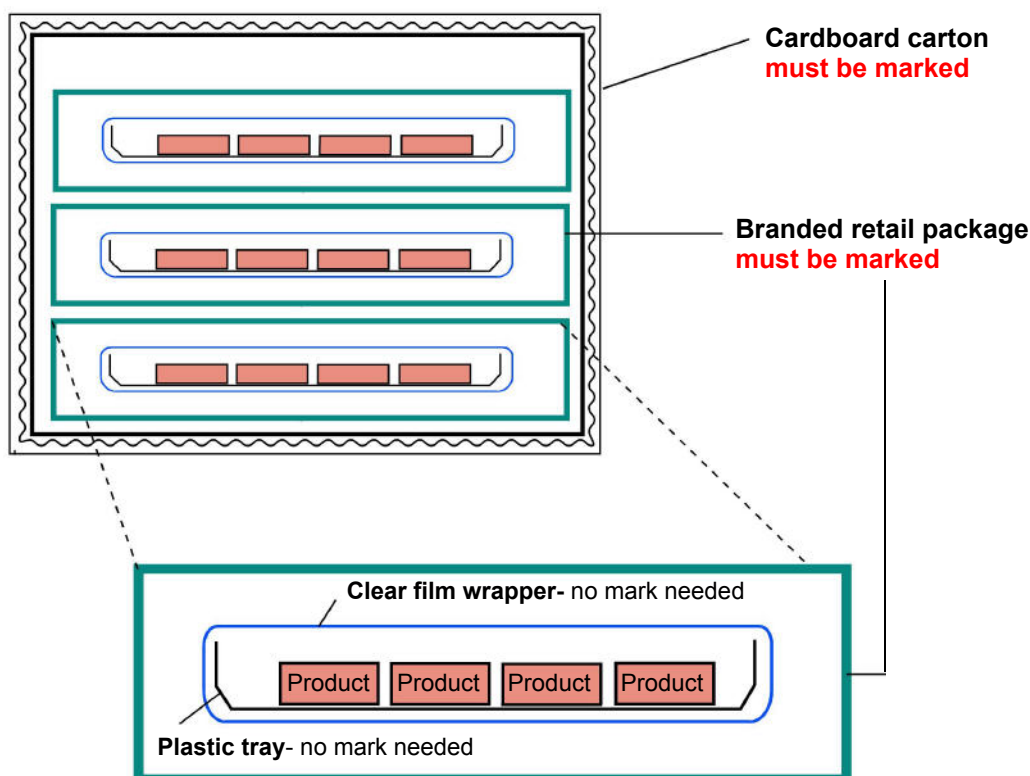
When products of animal origin are placed in a package destined for direct supply to the final consumer, it is sufficient to apply the mark to the exterior of that package only.

Final Consumer is defined in regulation 178/2002 and means:-

the ultimate consumer of a foodstuff who will not use the food as part of any food business operation or activity.

The product is packaged for the home/ domestic market and therefore the final consumer. The package that the final consumer will receive is correctly marked. The tray and the poly-wrapper that are enclosed within the consumer package do not need to be marked with the identification markings.

Diagram 3- Pre-packed prawn rings for retail sale



[Up to definitions](#)

Example 5 – Retail Sale of a pre-packed product (2)

A consignment of prawn rings is imported. The printed/ branded cardboard retail packages fully enclose the product, and are marked with the Country of Origin. Inside the retail package there is a heat sealed poly wrapper, inside which there is a plastic tray containing the product. The packages are transported in another carton which is marked with the Country and Establishment Number of Origin.

Decision

The consignment would **not** be permitted.

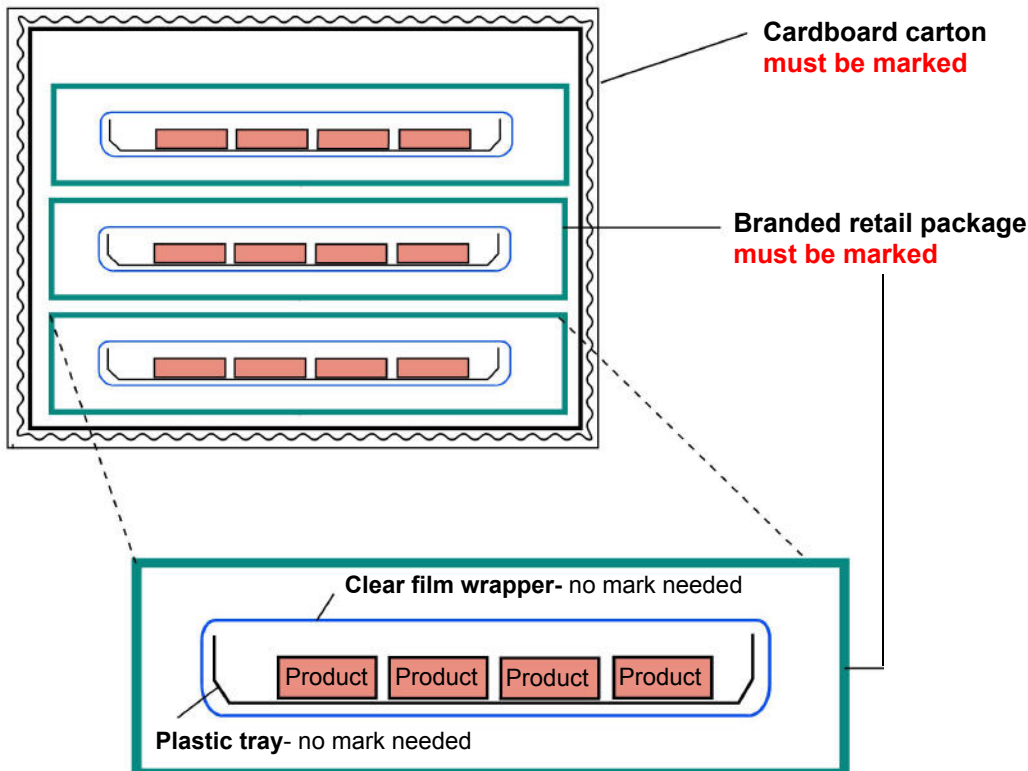
The law (853/2004 Annex II, Section I (13)) refers to the importation of goods that are packaged for the final consumer and states that:-

When products of animal origin are placed in a package destined for direct supply to the final consumer, it is sufficient to apply the mark to the exterior of that package only.

The mark that is required is specified in Point 7, which requires that the mark indicates the approval number of the establishment, and 6 which requires that the mark indicates the name of the country in which the establishment is located.

The package that would be received by the final consumer is not marked with the establishment number, the requirements have not been met and the consignment would be rejected.

Diagram 4- Pre-packed prawn rings for retail sale



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Example 6 – Packed for final consumer – use of sleeve

A consignment of salmon fillets is presented for import. The fillets are vacuum packed. Each pack is surrounded in a cardboard sleeve. The sleeve can be removed without destroying it. The cardboard sleeve is marked with the identification marks, the vacuum pack is not marked.

Decision

This product would be permitted.

The law 853/2004 Annex II, Section I (13), relates to the import of goods that are packaged for the final consumer and states that:-

When products of animal origin are placed in a package destined for direct supply to the final consumer, it is sufficient to apply the mark to the exterior of that package only.

The package that the final consumer receives is the shrink wrapped inner and the cardboard sleeve. Together they are marked with the identification marking information that is required.

Note

853/2004 Annex II, Section I (15) requires that the mark must be legible and indelible, and the characters easily decipherable... by applying the mark to the sleeve, which can be removed/separated from the inner pack, this product borders on non-compliance

If on inspection the shrink wrapped product was found to have become separated from the sleeve then it would not be permitted. For this reason where the marking is not affixed it is recommended that the inner package is also marked.

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Appendix 1

Extract of the Requirements of Annex II Regulation 853/2004 as amended

(**Note:** Requirements shown in grey are not applicable to the assessment of fishery products at import.)

ANNEX II

Requirements Concerning Several Products of Animal Origin

Section I: Identification Marking

When required in accordance with Article 5 or 6, and subject to the provisions of Annex III, food business operators must ensure that products of animal origin have an identification mark applied in compliance with the following provisions.

A. Application of the Identification Mark

1. The identification mark must be applied before the product leaves the establishment.
2. However, when a product's packaging and/or wrapping is removed or it is further processed in another establishment, a new mark must be applied to the product. In such cases, the new mark must indicate the approval number of the establishment where these operations take place.
3. An identification mark is not necessary for eggs in respect of which Regulation (EC) No 1907/90 lays down requirements concerning labelling or marking.
4. Food business operators must, in accordance with Article 18 of Regulation (EC) No 178/2002, have in place systems and procedures to identify food business operators from whom they have received and to whom they have delivered products of animal origin.

B. Form of the Identification Mark

5. The mark must be legible and indelible, and the characters easily decipherable. It must be clearly displayed for the competent authorities.
6. The mark must indicate the name of the country in which the establishment is located, which may be written out in full or shown as a two-letter code in accordance with the relevant ISO standard.
In the case of Member States, however, these codes are BE, BG, CZ, DK, DE, EE, GR, ES, FR, IE, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, SI, SK, FI, RO, SE and UK.
7. The mark must indicate the approval number of the establishment. If an establishment manufactures both food to which this Regulation applies and food to which it does not, the food business operator may apply the same identification mark to both types of food.
8. When applied in an establishment located within the Community, the mark must be oval in shape and include the abbreviation CE, EC, EF, EG, EK, EO, EY, ES, EÜ, EK, EB or WE.

C. Method of Marking

9. The mark may, depending on the presentation of different products of animal origin, be applied directly to the product, the wrapping or the packaging, or be printed on a label affixed to the product, the wrapping or the packaging. The mark may also be an irremovable tag made of a resistant material.
10. In the case of packaging containing cut meat or offal, the mark must be applied to a label fixed to the packaging, or printed on the packaging, in such a way that it is destroyed when the packaging is opened. This is not necessary, however, if the process of opening destroys the packaging. When wrapping provides the same protection as packaging, the label may be affixed to the wrapping.
11. For products of animal origin that are placed in transport containers or large packages and are intended for further handling, processing, wrapping or packaging in another establishment, the mark may be applied to the external surface of the container or packaging.
12. In the case of liquid, granulate and powdered products of animal origin carried in bulk, and fishery products carried in bulk, an identification mark is not necessary if accompanying documentation contains the information specified in points 6, 7 and, where appropriate, 8.
13. When products of animal origin are placed in a package destined for direct supply to the final consumer, it is sufficient to apply the mark to the exterior of that package only.
14. When the mark is applied directly to products of animal origin, the colours used must be authorised in accordance with Community rules on the use of colouring substances in foodstuffs.

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Appendix 2

The Previous ID marking requirements

Amendments to the EU Hygiene legislation made by Commission Regulation 2074/2005 as amended by Commission Regulation 1664/2006 repealed the country specific decisions that contained the marking requirements for fishery products from list 1 countries. The requirements in the specific decisions were identical specifying that the product should be marked with the country and establishment number of origin.

The identification marking requirements were as follows:-

*all packages must bear the word "*****" {Country of Origin} and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.*

For List II countries, those that were not fully harmonised there were not any specific decisions or approved establishments, the marking requirements were therefore less onerous.

The effect of the previous legislative requirements were that all layers of packaging were to be marked with the identification marks including the country and approval number of the establishment of origin. There was an exception, however, this was very specific and only applied to *frozen fishery products in bulk **and** intended for the manufacture of preserved foods* where preserve was further defined in 91/493 as *the process whereby products are packaged in hermetically sealed containers ...*

It is also important to note that the requirements related to **all** packages, a concept that was tested by Judicial Review, where it was determined that a heat sealed package contained within a sealed cardboard container was a layer of packaging and was also to be marked.

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Glossary

Term	Definition
BIP	EU Border Inspection Post situated at a seaport or airport or international rail or road link
Consignment	Consignments can consist of one type of product, or a number of different types of products, which is covered by the same health certificate See legal definition in Council Directive 97/78/EC.
CVED	Common Veterinary Entry Document
EC	European Commission
EU	European Union
FSA	Food Standards Agency
LA	Local Food Authority
OFI	Official Fish Inspector
OVS	Official Veterinary Surgeon
POAO	Products Of Animal Origin
POAO Regs	<p>The relevant Products of Animal Origin Regulations</p> <p>England</p> <ul style="list-style-type: none"> • The Products of Animal Origin (Third Country Imports) (England) Regulations 2006 • The Products of Animal Origin (Third Country Imports) (England) (Amendment) Regulations 2007 <p>Scotland</p> <ul style="list-style-type: none"> • The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007 • The Products of Animal Origin (Third Country Imports) (Scotland) Amendment Regulations 2007 <p>Wales</p> <ul style="list-style-type: none"> • The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2007 • The Products of Animal Origin (Third Country Imports) (Wales) (Amendment) Regulations 2007 <p>Northern Ireland</p> <ul style="list-style-type: none"> • The Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007 • The Products of Animal Origin (Third Country Imports) (Amendment) Regulations (Northern Ireland) 2007
Third Country	Any country outside of the EU for the purposes of import controls

Index of Hyperlinks

Throughout this document hyperlinks are provided to useful documents and legislation available on the internet. If you are reading a print version of this document the full html link of each hyperlink is provided below.

Page 2- Background

[178/2002](http://eur-lex.europa.eu/pri/en/oj/dat/2002/l_031/l_03120020201en00010024.pdf) http://eur-lex.europa.eu/pri/en/oj/dat/2002/l_031/l_03120020201en00010024.pdf

[Guidance Notes](http://www.food.gov.uk/foodindustry/guidancenotes/foodguid/generalfoodlaw) <http://www.food.gov.uk/foodindustry/guidancenotes/foodguid/generalfoodlaw>

[Council Directive 97/78](http://eur-lex.europa.eu/LexUriServ/site/en/oj/1998/l_024/l_02419980130en00090030.pdf)

http://eur-lex.europa.eu/LexUriServ/site/en/oj/1998/l_024/l_02419980130en00090030.pdf

Page 3- Legislation and Key Definitions

[853/2004](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_226/l_22620040625en00220082.pdf)

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_226/l_22620040625en00220082.pdf

[852/2004](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_226/l_22620040625en00030021.pdf)

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_226/l_22620040625en00030021.pdf

[854/2004](http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2004/l_226/l_22620040625en00830127.pdf)

http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2004/l_226/l_22620040625en00830127.pdf

Page 7- Examining the Identification Marking Rules

[ISO 3166](http://www.iso.org/iso/country_codes/iso_3166_code_lists/english_country_names_and_code_elements.htm)

http://www.iso.org/iso/country_codes/iso_3166_code_lists/english_country_names_and_code_elements.htm

[approved establishments and their approval numbers](http://ec.europa.eu/food/food/biosafety/establishments/list_en.htm)

http://ec.europa.eu/food/food/biosafety/establishments/list_en.htm

[approval numbers](http://www.food.gov.uk/foodindustry/imports/want_to_import/fisheryproducts/#h_7)

http://www.food.gov.uk/foodindustry/imports/want_to_import/fisheryproducts/#h_7

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[The Products of Animal Origin \(Third Country Imports\) \(England\) Regulations 2006](http://www.opsi.gov.uk/si/si2006/20062841.htm)

<http://www.opsi.gov.uk/si/si2006/20062841.htm>

[The Products of Animal Origin \(Third Country Imports\) \(England\) \(Amendment\) Regulations 2007](http://www.opsi.gov.uk/si/si2007/uksi_20071605_en.pdf)

http://www.opsi.gov.uk/si/si2007/uksi_20071605_en.pdf

[The Products of Animal Origin \(Third Country Imports\) \(Scotland\) Regulations 2007](http://www.opsi.gov.uk/legislation/scotland/ssi2007/ssi_20070001_en_1)

http://www.opsi.gov.uk/legislation/scotland/ssi2007/ssi_20070001_en_1

[The Products of Animal Origin \(Third Country Imports\) \(Scotland\) Amendment Regulations 2007](http://www.opsi.gov.uk/legislation/scotland/ssi2007/pdf/ssi_20070304_en.pdf)

http://www.opsi.gov.uk/legislation/scotland/ssi2007/pdf/ssi_20070304_en.pdf

[The Products of Animal Origin \(Third Country Imports\) \(Wales\) Regulations 2007](http://www.opsi.gov.uk/legislation/wales/wsi2007/20070376e.htm)

<http://www.opsi.gov.uk/legislation/wales/wsi2007/20070376e.htm>

[The Products of Animal Origin \(Third Country Imports\) \(Wales\) \(Amendment\) Regulations 2007](http://www.opsi.gov.uk/legislation/wales/wsi2007/20071710e.htm)

<http://www.opsi.gov.uk/legislation/wales/wsi2007/20071710e.htm>

[The Products of Animal Origin \(Third Country Imports\) Regulations \(Northern Ireland\) 2007](http://www.opsi.gov.uk/sr/sr2007/20070199.htm)

<http://www.opsi.gov.uk/sr/sr2007/20070199.htm>

[The Products of Animal Origin \(Third Country Imports\) \(Amendment\) Regulations \(Northern Ireland\) 2007](http://www.opsi.gov.uk/sr/sr2007/20070314.htm)

<http://www.opsi.gov.uk/sr/sr2007/20070314.htm>



If you have any comments about this guidance please contact

Kirsty Dawes, Imported Food Project Manager
Association of Port Health Authorities
2.02 Suffolk Enterprise Centre
Felaw Maltings
44 Felaw Street
Ipswich
Suffolk

Tel: 01473 407040
Email: apha@porthealth.co.uk
www.porthealth.co.uk