STATUTORY INSTRUMENTS

2006 No. 506

FOOD, ENGLAND

The Fish Labelling (Amendment) (England) Regulations 2006

Made	27th February 2006
Laid before Parliament	9th March 2006
Coming into force	6th April 2006

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 16(1)(e) and (f), 17(2), 26(3) and 48(1) of the Food Safety Act 1990 (1) and now vested in her(2).

In accordance with section 48(4A) of that Act, she has had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(3) there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title, commencement and application

1. These Regulations may be cited as the Fish Labelling (Amendment) (England) Regulations 2006, shall come into force on 6th April 2006 and shall apply in relation to England only.

Amendment of the Fish Labelling (England) Regulations 2003

- 2. The Fish Labelling (England) Regulations 2003(4) are amended as follows
 - (a) at the end of regulation 4(2) insert
 - "and shall be names prescribed by law for the purposes set out in paragraph (1)."; and
 - (b) for the Schedule substitute the contents of the Schedule to these Regulations.

^{(1) 1990} c. 16; section 1(1) and (2) (definition of "food") was substituted by S.I. 2004/2990.

 ⁽²⁾ Functions formerly exercisable by "the Ministers" are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999 (1999 c. 28), and paragraphs 12 and 21 of that Schedule amend sections 17 and 48 of the 1990 Act. Section 48 was also amended by S.I. 2004/2990. Functions of "the Ministers" so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by S.I. 1999/672 and those functions so far as exercisable in relation to Scotland were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c. 46). Section 26(3) of the 1990 Act was amended by section 40(4) of, and Schedule 6 to, the Food Standards Act 1999.
 (3) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament

and of the Council (OJ No. L245, 29.9.2003, p.4).

⁽⁴⁾ S.I. 2003/461.

Signed by authority of the Secretary of State for Health

27th February 2006

Caroline Flint Parliamentary Under Secretary of State, Department of Health

SCHEDULE

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Regulation 2(b)

Regulation 4

COMMERCIAL DESIGNATIONS

1. Subject to paragraphs 2 and 3, the commercial designation for any species of fish specified in column 2 of the following Table shall be a name specified for that species in the corresponding entry in column 1.

2. A customary name may be used for any species of fish which has been subjected to smoking or any similar process, unless the name of the species in column 2 of the Table is followed by an asterisk. In such cases the name used for the food when the fish is smoked shall be either –

- (a) a name specified for that species in column 1 of the said Table preceded by the word "smoked": or
- (b) except in the case of Salmo salar (L.), "smoked Pacific salmon".

3. Paragraph 1, as read with the Table, shall not apply to fish regulated by Council Regulation (EEC) No. 2136/89(5) as amended by Commission Regulation (EC) No. 1181/2003(6) laying down common marketing standards for preserved sardines, or Council Regulation (EEC) No. 1536/92(7) laying down common marketing standards for preserved tuna and bonito.

Column 1	Column 2
Commercial designation	Species of fish
Sea Fish	
Anchovy	All species of the family Engraulidae
Argentines	All species of the family Argentinidae
Barracuda	All species of Sphyraena
Barramundi	Lates calcarifer
Bass or Sea bass	Dicentrarchus labrax (L.)
Japanese sea bass	Lateolabrax japonicus
Spotted sea bass	Dicentrarchus punctatus
Southern rock bass	Paralabrax callaensis
Bigeye	All species of Priacanthus
Bluefish or Tailor	Pomatomus saltatrix
Bogue	Boops boops
Bonito	All species of Sarda
	All species of <i>Euthynnus</i> , with the exception of <i>Euthynnus</i> (<i>Katsuwonus</i>) <i>pelamis</i>
	All species of Auxis
Brill	Scophthalmus rhombus (L.)

Brill

⁽⁵⁾ OJ No. L212, 22.7.89, p.79.

⁽⁶⁾ OJ No. L165, 3.7.2003, p.17. (7) OJ No. L163, 17.6.92, p.1.

Column 1 Commercial designation	Column 2 Species of fish
Brisling	Sprattus sprattus (L.) when canned
Catfish <i>or</i> Rockfish <i>or</i> Wolffish	All species of <i>Anarhichas</i>
sea catfish	All species of the family <i>Ariidae</i>
Cobia	Rachycentron canadum
Cod <i>or</i> Codling	Gadus morhua
Pacific cod or Cod	Gadus macrocephalus
Greenland cod or Cod	Gadus ogac
affron cod	Eleginus gracilis
Red cod	Pseudophycis bachus
Blue cod	Parapercis colias
Coley or Saithe or Coalfish	Pollachius virens (L.)
Conger	All species of Conger
Croaker or Drum or Jewfish	All species of the family Sciaenidae
	Alternatively, the following may be used
outhern meagre or Mulloway	Argyrosomus hololepidotus
Лeagre	Argyrosomus regius
Dab	Limanda limanda (L.)
Cellowtail dab or Yellowtail flounder	Limanda ferruginea
acific sand dab	Citharichthys sordidus
/ellowfin sole	Limanda aspera
Dogfish or Flake <i>or</i> Huss <i>or</i> Rigg <i>or</i> Rock Salmon <i>or</i> Rock Eel	All species of Galeorhinus
	All species of Mustelus
	All species of Scyliorhinus
	Galeus melastomus
	Squalus acanthias (L.)
Silky shark <i>or</i> Shark	Carcharhinus falciformis
Blacktip shark or Shark	Carcharhinus limbatus
andbar shark <i>or</i> Shark	Carcharhinus plumbeus
Basking shark or Shark	Cetorhinus maximus
Basking shark <i>or</i> Shark Shortfin mako <i>or</i> Shortfin mako shark <i>or</i> Shark	
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Column 1 Commercial designation	Column 2 Species of fish
Whale shark <i>or</i> Shark	Rhincodon typus
Dory or John Dory or St Peter's fish	Zeus faber (L.)
Eel	All species of Anguilla
Emperor	All species of Lethrinus
Escolar or Snake Mackerel	All species of the family Gempylidae
Flounder	Platichthys flesus (L.)
Speckled flounder	Paralichthys woolmani
Arrowtooth flounder	Atheresthes stomias
Flying fish	All species of the family Exocoetidae
Garfish	Belone belone
Greenling	Ophiodon elongatus
Grouper	All species of Mycteroperca
	All species of <i>Epinephelus</i>
Gurnard	All species of the family Triglidae
	Peristedion cataphractum (L.)
Haddock	Melanogrammus aeglefinus (L.)
Hake	All species of Merluccius
	Alternatively, the following may be used
Cape hake	Merluccius capensis
	Merluccius paradoxus
White hake	Urophycis tenuis
Halibut	Hippoglossus hippoglossus (L.)
	Hippoglossus stenolepis
Greenland halibut <i>or</i> Black halibut <i>or</i> Mock halibut	Reinhardtius hippoglossoides (Walbaum)
Herring	Clupea harengus (L.)
Hilsa	Tenualosa ilisha
Hoki	Macruronus novaezelandiae
Chilean hoki	Macruronus magellanicus
Indian mackerel	All species of Rastrelliger
Jack or Scad or Horse Mackerel or Trevally	All species of Caranx
	All species of Hemicaranx

Column 1	Column 2
Commercial designation	Species of fish All species of Seriola
	-
	All species of Trachurus
	All species of Decapterus
	Alternatively, the following may be used
Yellowtail or Amberjack	Seriola lalandi
Kingklip	Genypterus capensis
Ladyfish	All species of the family Elopidae
Leerfish	Lichia amia
Ling	All species of Molva except Molva dypterygia
Blue ling	Molva dypterygia
Lumpfish or Lumpsucker	Cyclopterus lumpus
Mackerel	All species of Scomber
King Mackerel or Kingfish	Scomberomorus cavalla
Sierra mackerel or Pacific sierra	Scomberomorus sierra
Mahi Mahi	Coryphaena hippurus
Marlin	All species of Makaira
Megrim	All species of Lepidorhombus
Milkfish	Chanos chanos
Monk(fish) or Angler(fish)	Lophius piscatorius (L.)
	Lophius americanus
	Lophiodes caulinaris
	Lophius budegassa
Cape monk(fish) or Cape angler(fish)	Lophius vomerinus
Pacific monk(fish) or Pacific angler(fish)	Lophius litulon
Red mullet or Goatfish	All species of the family Mullidae
Grey mullet	All species of the family Mugilidae
Opah <i>or</i> Moonfish	All species of Lampris
Orange roughy	Hoplostethus atlanticus
Parrotfish	All species of the family Scaridae
Peruvian moonfish	Selene peruviana
Picarel	Spicara smaris
Pilchard	Sardina pilchardus (Walbaum)

Column 1 Commercial designation	Column 2 Species of fish
Pacific pilchard	Sardinops sagax that has been caught in the Pacific Ocean
South Atlantic pilchard	Sardinops sagax that has been caught in the South Atlantic Ocean
Plaice	Pleuronectes platessa (L.)
American plaice	Hippoglossoides platessoides (Fabr.)
Pollack or Pollock or Lythe	Pollachius pollachius (L.)
Pacific pollack <i>or</i> Pacific pollock <i>or</i> Alaska pollack <i>or</i> Alaska pollock	Theragra chalcogramma (Pallas)
Pomfret or Butterfish	All species of Brama
	All species of Stromateus
	All species of Pampus
Poor cod	Trisopterus minutus
Pout or Pout Whiting or Pouting or Bib	Trisopterus luscus
Racasse or Black scorpionfish	Scorpaena porcus
Rainbow runner	Elagatis bipinnulata
Redfish or Ocean perch or Rose fish	All species of Sebastes
	All species of Helicolenus
Sablefish	Anoplopoma fimbria
Sailfish	All species of Istiophorus
Sardine	Small Sardina pilchardus (Walbaum)
Sardinella	All species of Sardinella
Scabbard fish <i>or</i> Sabre <i>or</i> Sabre fish <i>or</i> Silver sabre <i>or</i> Black sabre	Lepidopus caudatus
	Aphanopus carbo
Sea bream or Porgy	All species of the family <i>Sparidae</i> except <i>Boops boops</i>
Sild	Small Clupea harengus (L.), when canned
	Small Sprattus sprattus (L.), when canned
Silverside or Sand smelt	All species of the family Atherinidae
Skate or Ray	All species of the family Rajidae
Roker	Raja clavata
Small sandeel	Ammodytes tobianus

Column 1	Column 2
Commercial designation Snapper	Species of fish All species of the family Lutjanidae
Snapper	
	Alternatively, the following may be used
Jobfish	All species of Aphareus
	All species of Aprion
	All species of Pristipomoides
Snook	All species of Centropomus
Sole <i>or</i> Dover sole	Solea solea (L.)
Butter sole	Isopsetta isolepis
Californian sole	Parophrys vetulus
Lemon sole	Microstomus kitt (Walbaum)
Petrale sole	Eopsetta jordani
Rex sole or Long-finned sole	Glyptocephalus zachirus
Rock sole	Lepidopsetta bilineata
Pacific sole	Microstomus pacificus
Torbay sole or Witch	Glyptocephalus cynoglossus (L.)
Sprat	Sprattus sprattus (L.), except when canned
Stargazer	All species of the family Uranoscopidae
Swordfish	Xiphias gladius
Tarpon	All species of the family Megalopidae
Threadfin bream	All species of Nemipterus
Toothfish or Icefish	Dissostichus mawsoni
	Dissostichus eleginoides
Torpedo sand perch	Diplectrum maximum
Tuna <i>or</i> Tunny	All species of Thunnus
Skipjack tuna (or tuna)	Katsuwonus pelamis
Albacore tuna (or tuna)	Thunnus alalunga
Yellowfin tuna (or tuna)	Thunnus albacares
Bluefin tuna (or tuna)	Thunnus thynnus
Pacific bluefin tuna <i>or</i> Oriental bluefin tuna (<i>or</i> tuna)	Thunnus orientalis
Southern bluefin tuna (or tuna)	Thunnus maccoyii
Bigeye tuna (or tuna)	Thunnus obesus
Turbot	Psetta maxima

Column 1	Column 2 Species of Cal
Commercial designation Wahoo	Species of fish Acanthocybium solandri
Weever	All species of the family <i>Trachinidae</i>
Whitebait	Small <i>Clupea harengus</i> (L.)
Wincourt	Small <i>Sprattus sprattus</i> (L.) (except when canned)
Whiting	Merlangius merlangus (L.)
Blue whiting	Micromesistius poutassou (Risso)
Southern blue whiting	Micromesistius australis
Winter flounder	Pseudopleuronectes americanus (Walbaum)
Wrasse	All species of the family Labridae
Salmon and Freshwater Fish	
Bacha	Eutropiichthys vacha
Batashi	Pseudeutropius atherinoides
Carp	All species of the family Cyprinidae
	Alternatively, the following may be used
Mowrala	Amblypharyngodon mola
Banspata	Danio devario
Bata	Labeo bata
Kalibous	Labeo calbasu
Ghania	Labeo gonius
Ruhi	Labeo rohita
Punti	Puntius sarana
Chelapata	Salmostoma bacaila
Barbel	Barbus barbus
Tench	Tinca tinca
Freshwater bream	Abramis brama
Roach	Rutilus rutilus
Catfish or American catfish or Channel catfish	All species of the family Ictaluridae
Catfish	All species of the family Clariidae
	All species of the family Siluridae
	All species of the failing Sturidde
	All species of the family <i>Bagridae</i>

Alternatively, the following may be usedAagurClarias batrachushulshaMystus bleekeriBuzuriMystus tengaraengraMystus vittatushabdaOmpok pabdawyreSperata aorBoalWallago attuChariaAll species of SalvelinusCakilaCorica sobornaCharClisa fasciatusCharColisa fasciatusCakilaCorica sobornaChariaNatas testudineusCakilaCorica sobornaChariaColisa fasciatusCoiAnabas testudineusCastiCorica sobornaChalishaColisa fasciatusCoiAnabas testudineusAreniNandus nandusVile perchLates niloticusPacuPiaractus mesopotamicusVatusMacrognathus aculeatusVite or Northern pikeEsox luciusQueen fishBotia darioAtiver cobbler, or Basa, or Pangasius, or ranga(s) or any of these together with the dditional word "catifsh"All species of PangasiusSalmo salar (L.)*Chum salmon or Keta salmonOncorhynchus masou masou*Chum salmon or Coho salmon or SilverOncorhynchus keta (Walbaum)*Adium red salmon or Sockeye salmonOncorhynchus sthawytscha (Walbaum)*Anno or Pacific salmonOncorhynchus nerka (Walbaum)*Adium red salmon or King salmon or Chinook almon or Arctic ciscoCoregonus autumalis	Column 1 Commercial designation	Column 2 Species of fish
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6	Spring salmon <i>or</i> King salmon <i>or</i> Chinook salmon <i>or</i> Pacific salmon	Oncorhynchus tshawytscha (Walbaum)*
Vendace Coregonus albula	Pollan or Arctic cisco	Coregonus autumnalis
	Vendace	Coregonus albula

Column 1 Commercial designation	Column 2 Species of fish
Shol	Channa striata
Taki	Channa punctata
Tambaqui or Cachama	Colossoma macroponum
Tilapia	All species of <i>Tilapia</i>
	All species of Oreochromis
Trout or Brown trout	Salmo trutta trutta (L.) which has spent all of its life in fresh water
Sea trout or Salmon trout	Salmo trutta trutta (L.) which has spent part of its life in sea water
Cut-throat trout or trout	Oncorhynchus clarki clarki
Rainbow trout or Steelhead trout or trout	Oncorhynchus mykiss
Zander or Pike-perch	Stizostedion lucioperca
Shellfish	
Abalone or Ormer	All species of Haliotis
Ark clam <i>or</i> Arkshell	All species of the family Arcidae
Clam or Hard shell clam	Mercenaria mercenaria (L.)
	Venus verrucosa (L.)
Clam or Razor clam or Razor shell	All species of Ensis and Solen
Geoduck or Geoduck clam	Panopea abrupta
Manila clam or Japanese carpet shell	Tapes philippinarum
	Ruditapes philippinarum
Native clam <i>or</i> Grooved carpet shell <i>or</i> Palourde	Tapes decussatus
Talourde	Ruditapes decussatus
	Venerupis decussa
Soft shell clam or Gapers	Mya spp
Surf clam	All species of Spisula
Otter shell clam	Lutraria lutraria
Cockle	All species of Cerastoderma
Amande Clam or Dog cockle	Glycymeris glycymeris
Amande Clam <i>or</i> Dog cockle Crab	<i>Glycymeris glycymeris</i> All species of the order <i>Brachyura</i>
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Column 1	Column 2
Commercial designation	Species of fish
	All species of the family Parastacidae
	All species of the family Austroastacidae
	All species of the family Cambaridae
Cuttlefish	All species of Sepia
	Rossia macrosoma
Lobster	All species of Homarus
Slipper lobster	All species of the family Scyllaridae
Squat lobster	All species of the family Galatheidae
Crawfish or Spiny lobster or Rock lobster	All species of Panulirus
	All species of Palinurus
	All species of Jasus
Indian ocean lobster or Whip lobster	Puerulus sewelli
	Puerulus carinatus
	Puerulus angulatus
Mussel	All species of the family Mytilidae
Octopus	All species of Octopus
Oyster	All species of Crassostrea
	All species of Ostrea
Oyster or Portuguese oyster	Crassostrea angulata (Lmk.)
Oyster or Pacific oyster or Rock oyster	Crassostrea gigas (Thunberg)
Oyster or Native oyster	Ostrea edulis (L.)
Prawn or Shrimp	Whole fish (of a size which, when cooked, have a count of less than 397 per kg) or tails (of a size which, when peeled and cooked, have a count of less than 1,323 per kg) of —
	all species of the family Palaemonidae,
	all species of the family Penaeidae,
	all species of the family Aristaeidae, and
	all species of the family Pandalidae
King prawn	All species of the family Palaemonidae
	All species of the family <i>Penaeidae</i>

Column 1	Column 2
Commercial designation	Species of fish
	All species of the family Aristaeidae
	Where the count is less than 123 per kg (head on/shell on) or less than 198 per kg (head off/ shell on) or less than 242 per kg (head off/shell off)
Tiger prawn	Penaeus monodon
	Penaeus semisulcatus
	Penaeus esculentus
	Penaeus kerathurus
	Penaeus japonicus
	Parapenaeopsis hardwickii
	Parapenaeopsis sculptilis
Scallop or King scallop	Pecten maximus
Atlantic scallop or Scallop	Placopecten magellanicus
Queen scallop or Queen or Scallop	Chlamys (Aequipecten) opercularis
Scallop or Common scallop	All species of the family Pectinidae
Scampi or Norway lobster or Dublin Bay prawn or Langoustine	Nephrops norvegicus (L.)
Pacific scampi	Metanephrops andamanicus
	Metanephrops challengeri
	Metanephrops thomsoni
Sea urchin	All species of the family Echinidae
Shrimp	Whole fish (of a size which, when cooked, have a count of 397 per kg or more) or tails (of a size which, when peeled and cooked, have a count of 1,323 per kg or more) of —
	all species of the family Palaemonidae,
	all species of the family Penaeidae,
	all species of the family Aristaeidae, and
	all species of the family Pandalidae
Shrimp or Pink shrimp	Pandalus montagui
Shrimp or Brown shrimp	All species of Crangon

Column 1	Column 2
Commercial designation	Species of fish
Mantis shrimp	Squilla mantis
Squid	All species of Loligo
	All species of <i>Illex</i>
	Ommastrephes sagittatus
Arrow squid	Nototodarus sloani
	Nototodarus gouldi
Whelk	All species of Buccinum
Winkle	All species of Littorina"

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply to England only, amend the Fish Labelling (England) Regulations 2003 ("the principal Regulations") which provide for the execution and enforcement of Title 1, Chapter 2 of Council Regulation (EC) No. 104/2000 on the common organisation of the markets in fishery and aquaculture products as applied by Commission Regulation (EC) No. 2065/2001 laying down detailed rules on the application of Council Regulation (EC) No. 104/2000 as regards informing consumers about fishery and aquaculture products.

- **2.** The Regulations
 - (a) amend regulation 4(2) of the principal Regulations by providing that commercial designations accepted in other Member States are names prescribed by law (*regulation 2(a)*);
 - (b) replace the Schedule to the principal Regulations (which provides a list of commercial designations for the species of sea fish, salmon and freshwater fish and shellfish listed therein) with the Schedule to these Regulations. The new Schedule includes a number of insertions and amendments (*regulation 2(b)*).

3. A Regulatory Impact Assessment has been prepared and placed in the Library of each House of Parliament. Copies may be obtained from the Consumer Choice, Food Standards and Special Projects Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.