



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 1635 (Cy.177)

2003 No. 1635 (W.177)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Labelu Pysgod
(Cymru) 2003**

**The Fish Labelling (Wales)
Regulations 2003**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn, sy'n gymwys i Gymru yn unig, yn darparu ar gyfer gweithredu a gorfodi Teitl 1, Pennod 2 o Reoliad y Cyngor (EC) 104/2000 ar gyd-drefniadaeth y marchnadoedd mewn cynhyrchion pysgodfeydd a chynhyrchion dyframaethu fel y'i cymhwysir i Reoliad y Comisiwn (EC) 2065/2001 sy'n gosod rheolau manwl ar gymhwyso Rheoliad y Cyngor (EC) 104/2000 ynglyn â hysbysu defnyddwyr ynghylch cynhyrchion pysgodfeydd a chynhyrchion dyframaethu

These Regulations, which apply to Wales only, provide for the execution and enforcement of Title 1, Chapter 2 of Council Regulation (EC) 104/2000 on the common organisation of the markets in fishery and aquaculture products as applied by Commission Regulation (EC) 2065/2001 laying down detailed rules on the application of Council Regulation (EC) 104/2000 as regards informing consumers about fishery and aquaculture products.

Mae Teitl 1 o Bennod 2 o Reoliad y Cyngor (EC) 104/2000 yn gosod gofynion ynghylch darparu gwybodaeth am ddynodiad masnachol, dull cynhyrchu a chylch haldiad cynhyrchion pysgodfeydd a chynhyrchion dyframaethu penodol sy'n cael eu cynnig ar gyfer eu hadwerthu i'r defnyddiwr terfynol. Mae'n darparu ymhellach fod Aelod-wladwriaethau i fod i lunio a chyhoeddi rhestr o ddynodiadau masnachol ar gyfer o leiaf y rhywogaethau a restrir yn Atodiadau I i IV o'r Rheoliad. Mae Rheoliad y Comisiwn (EC) 2065/2001 yn disgrifio'n fanylach yr wybodaeth sydd i'w darparu i ddefnyddwyr a'r esemptiadau y ceir eu caniatáu. Mae'n darparu hefyd ynglyn â'r wybodaeth angenrheidiol sydd i'w darparu ym mhob rhan o'r broses farchnata.

Title 1 of Chapter 2 of Council Regulation (EC) 104/2000 imposes requirements regarding the provision of information about the commercial designation, production method and catch area of certain fishery and aquaculture products offered for retail sale to the final consumer. It further provides for Member States to draw up and publish a list of commercial designations for at least the species listed in Annexes I to IV of the Regulation. Commission Regulation (EC) 2065/2001 describes in more detail the information to be provided to consumers and the exemptions that may be allowed. It also provides for the necessary information to be provided at each stage of the marketing process.

Mae'r Rheoliadau hyn -

These Regulations -

- yn darparu rhestr, mewn perthynas â Chymru, o'r dynodiadau masnachol y mae'n ofynnol i'r Deyrnas Unedig eu llunio (rheoliad 4 a'r Atodlen) ac yn darparu ymhellach ar gyfer caniatáu dynodiadau masnachol dros dro (rheoliad 8);

- provide a list, as regards Wales, of the commercial designations required to be drawn up by the United Kingdom (regulation 4 and the Schedule) and further provide for the granting of provisional commercial designations (regulation 8);

- yn gwneud darpariaeth ynghylch llacio'r gofynion o dan amgylchiadau penodol mewn perthynas â gwybodaeth am y dull cynhyrchu (rheoliad 5); yn achos pysgotwyr neu gynhyrchwyr dyframaethu yn gwerthu meintiau bach yn uniongyrchol i ddefnyddwyr (rheoliad 6) ac mewn perthynas â chynnwys gwybodaeth ychwanegol am gylch yr haldiad (rheoliad 7);
- yn creu tramgwyddau ac yn rhagnodi cosbau (rheoliad 3), yn pennu awdurdodau gorfodi (rheoliad 9) ac yn ymgorffori darpariaethau penodedig Deddf Diogelwch Bwyd 1990 (rheoliad 10);
- yn dirymu'r gofynion labelu pysgod a nodir ym mharagraff 1 o Atodlen 1 i Rheoliadau Labelu Bwyd 1996 mewn perthynas â Cymru (rheoliad 11).
- make provision as to the relaxation of the requirements in certain circumstances in relation to information about the production method (regulation 5); in the case of direct sales of small quantities to consumers by fishermen or aquaculture producers (regulation 6) and with regard to the inclusion of additional information about catch area (regulation 7);
- create offences and prescribe penalties (regulation 3), specify enforcement authorities (regulation 9) and incorporate specified provisions of the Food Safety Act 1990 (regulation 10);
- revoke the fish labelling requirements set out in paragraph 1 of Schedule 1 to the Food Labelling Regulations 1996 in relation to Wales (regulation 11).

Mae arfarniad rheoliadol yn unol ag adran 65 o Ddeddf Llywodraeth Cymru 1998 wedi'i baratoi mewn perthynas â'r Rheoliadau hyn ac wedi'i adneuo yn llyfrgell Cynulliad Cenedlaethol Cymru. Gellir cael copïau o'r Asiantaeth Safonau Bwyd, Llawr 1, Southgate House, Wood Street, Caerdydd, CF10 1EW.

A regulatory appraisal pursuant to section 65 of the Government of Wales Act 1998 has been prepared in respect of these Regulations and placed in the library of the National Assembly for Wales. Copies can be obtained from the Food Standards Agency, 1st Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.

2003 Rhif 1635 (Cy.177)**2003 No. 1635 (W.177)****BWYD, CYMRU****FOOD, WALES****Rheoliadau Labelu Pysgod
(Cymru) 2003****The Fish Labelling (Wales)
Regulations 2003***Wedi'u gwneud* 24 Mehefin 2003*Made* 24th June 2003*Yn dod i rym* 30 Mehefin 2003*Coming into force* 30th June 2003

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 16(1)(e) ac (f), 17(2), 26(3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(a), ac a freiniwyd ynddo bellach(b), gan ei fod wedi rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf honno i gyngor a roddwyd gan yr Asiantaeth Safonau Bwyd ac wedi ymgynghori fel y mae'n ofynnol o dan Erthygl 9 o Reoliad (EC) Rhif 178/2002 o Senedd Ewrop a'r Cyngor(c) ac yn unol ag adran 48(4) a (4B) o'r Ddeddf honno, drwy hyn yn gwneud y Rheoliadau canlynol:

Teitl, cychwyn a chymhwys

1. Enw'r rheoliadau hyn yw Rheoliadau Labelu Pysgod (Cymru) 2003 a deuant i rym ar 30 Mehefin 2003 a byddant yn gymwys i Gymru yn unig.

Dehongli**2. Yn y Rheoliadau hyn -**

ystyr "Rheoliad 104/2000" ("*Regulation 104/2000*") yw Rheoliad y Cyngor (EC) Rhif 104/2000 ar gyd-drefniadaeth y marchnadoedd mewn cynhyrchion pysgodfeydd a chynhyrchion dyframaethu(ch);

ystyr "Rheoliad 2065/2001" ("*Regulation 2065/2001*") yw Rheoliad y Comisiwn (EC) Rhif 2065/2001 sy'n gosod rheolau manwl ar gyfer cymhwys Rheoliad y Cyngor (EC) Rhif

(a) 1990 p. 16. Diwygiwyd adran 26(3) o Ddeddf Diogelwch Bwyd 1990 gan adran 40(4) o Ddeddf Safonau Bwyd 1999 ac Atodlen 6 iddi.

(b) Trosglwyddwyd swyddogaethau a fu gynt yn arferadwy gan "yr Ysgrifennydd Gwladol" o dan Ddeddf Diogelwch Bwyd 1990, i'r graddau yr oeddent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru drwy Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S.1999/672) o'i ddarllen gydag adran 40(3) o Ddeddf Safonau Bwyd 1999 (1999 p.28).

(c) OJ Rhif L31, 1.2.2002, t.1; sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, sy'n sefydlu Awdurdod Diogelwch Bwyd Ewrop ac sy'n gosod gweithdrefnau ym materion diogelwch bwyd.

(ch) OJ Rhif L17, 21.1.2000, t.22.

The National Assembly for Wales 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(a), and now vested in it(b), having had regard in accordance with section 48(4A) of that Act to advice given by the Food Standards Agency and after consultation both as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(c) and in accordance with section 48(4) and (4B) of that Act, hereby makes the following Regulations:

Title, commencement and application

1. These Regulations may be cited as the Fish Labelling (Wales) Regulations 2003, shall come into force on 30th June 2003 and shall apply to Wales only.

Interpretation**2. In these Regulations -**

"Regulation 104/2000" ("*Rheoliad 104/2000*") means Council Regulation (EC) No. 104/2000 on the common organisation of the markets in fishery and aquaculture products(d);

"Regulation 2065/2001" ("*Rheoliad 2065/2001*") means Commission Regulation (EC) No. 2065/2001 laying down detailed rules for the application of Council Regulation (EC) No. 104/2000 as regards informing

(a) 1990 c. 16. Section 26(3) of the Food Safety Act 1990 was amended by section 40(4) of, and Schedule 6 to, the Food Standards Act 1999.

(b) Functions of formerly exercisable by the "Secretary of State" under the Food Safety Act 1990, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the Food Standards Act 1999 (1999 c.28).

(c) OJ No. L31, 1.2.2002, p.1: 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.

(d) OJ No. L17, 21.1.2000, p.22.

104/2000 ynghylch hysbysu defnyddwyr ynglyn â chynhyrchion pysgodfeydd a chynhyrchion dyframaethu(a);

ac mae i unrhyw ymadroddion a ddefnyddir yn y Rheoliadau hyn yn Rheoliad 104/2000 neu Reoliad 2065/2001 yr un ystyr ag sydd iddynt yn y Rheoliadau hynny.

Tramgwyddau sy'n ymwneud â hysbysu defnyddwyr

3.-(1) Bydd unrhyw berson sydd, yn groes i Erthygl 4.1 o Reoliad 104/2000 (gwybodaeth i ddefnyddwyr) o'i darllen ynghyd â rheoliad 2065/2001, yn cynnig ar gyfer eu hadwerthu i'r defnyddiwr terfynol unrhyw un o'r cynhyrchion y mae'r Erthygl honno yn gymwys iddynt yn euog o dramgwydd ac yn agored o'i gollfarnu'n ddiannod i ddirwy heb fod yn fwy na lefel 5 ar y raddfa safonol.

(2) Bydd person sydd yn methu â chydymffurfio ag Erthygl 8 o Reoliad 2065/2001 (olrhain a rheoli) yn euog o dramgwydd ac yn agored o'i gollfarnu'n ddiannod i ddirwy heb fod yn uwch na lefel 3 ar y raddfa safonol.

Rhestrau o ddynodiadau masnachol

4.-(1) O ran Cymru, y rhestr o ddynodiadau masnachol y mae'n ofynnol i'r Deyrnas Unedig ei llunio a'i chyhoeddi o dan Erthygl 4(2) o Reoliad 104/2000 yw'r un a nodir yn yr Atodlen i'r Rheoliadau hyn, ac yn unol â hynny, y dynodiadau masnachol a nodir yn yr Atodlen honno yw'r enwau a ragnodwyd gan y gyfraith at ddibenion rheoliadau 6(1), 7 ac 8(a) o Reoliadau Labelu Bwyd 1996(b).

(2) Mewn perthynas â rhywogaeth a gynhwysir yn yr Atodlen i'r Rheoliadau hyn ac mewn rhestr a gyhoeddwyd yn Saesneg o dan Erthygl 4(2) o Reoliad 104/2000 yn effeithiol mewn Aelod-wladwriaeth arall neu mewn rhan arall o'r Deyrnas Unedig, bydd y dynodiad masnachol ar gyfer y rhywogaeth honno yn y rhestr sy'n effeithiol yn yr Aelod-wladwriaeth arall honno neu'r rhan honno o'r Deyrnas Unedig yn un amgen i'r dynodiad masnachol ar gyfer y rhywogaeth honno a nodir yn yr Atodlen i'r Rheoliadau hyn.

Hepgor cyfeirio at y dull cynhyrchu

5. Yn yr achos a ddisgrifir yn erthygl 4.2 o Reoliad 2065/2001 (sefyllfa lle mae'n amlwg oddi wrth y dynodiad masnachol a chylch yr haldiad fod y rhywogaeth yn cael ei dal yn y môr) ni fydd yn groes i Erthygl 4.1 o Reoliad 104/2000 i gynnig ar gyfer ei adwerthu i'r defnyddiwr terfynol gynnyrch pysgodfeydd y mae'r Erthygl honno yn gymwys iddo heb fod y cynnyrch wedi'i farcio neu wedi'i labelu â'r dull cynhyrchu.

(a) OJ Rhif L278, 23.10.2001, t.6.

(b) O.S. 1996/1499; mewnosodwyd rheoliad 6(4) (sy'n diffinio "prescribed by law" ("a ragnodwyd gan y gyfraith") at ddibenion rheoliadau 6(1), 7 ac 8(a)) gan O.S.1998/1398.

consumers about fishery and aquaculture products(a);

and any expressions used in these Regulations and in Regulation 104/2000 or Regulation 2065/2001 have the same meaning as in those Regulations.

Offences relating to consumer information

3.-(1) Any person who, in contravention of Article 4.1 of Regulation 104/2000 (consumer information) as read with Regulation 2065/2001, offers for retail sale to the final consumer any of the products to which that Article applies shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) A person who fails to comply with Article 8 of Regulation 2065/2001 (traceability and control) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Lists of commercial designations

4.-(1) As regards Wales, the list of commercial designations which the United Kingdom is required to draw up and publish under Article 4(2) of Regulation 104/2000 is that set out in the Schedule to these Regulations, and accordingly, the commercial designations set out in that Schedule are names prescribed by law for the purposes of regulations 6(1), 7 and 8(a) of the Food Labelling Regulations 1996(b).

(2) In relation to a species included both in the Schedule to these Regulations and in a list published in English under Article 4(2) of Regulation 104/2000 having effect in another Member State or in another part of the United Kingdom, the commercial designation for that species in the list having effect in that other Member State or part of the United Kingdom shall be an alternative to the commercial designation for that species set out in the Schedule to these Regulations.

Omission of reference to the production method

5. In the case described in Article 4.2 of Regulation 2065/2001 (situation where it is obvious from commercial designation and catch area that the species is caught at sea) it shall not be a contravention of Article 4.1 of Regulation 104/2000 to offer for retail sale to the final consumer a fisheries product to which that Article applies without the product being marked or labelled with the production method.

(a) OJ No. L278, 23.10.2001, p.6.

(b) S.I. 1996/1499; regulation 6(4) (which defines "prescribed by law" for the purposes of regulations 6(1), 7 and 8(a)) was inserted by S.I. 1998/1398.

Meintiau bach o gynhyrchion

6.-(1) At ddibenion Erthygl 4(1) o Reoliad 104/2000 o'i darllen ynghyd ag Erthygl 7 o Reoliad 2065/2001, rhaid i'r meintiau bach o gynhyrchion y caniateir eu gwerthu'n uniongyrchol i ddefnyddwyr fod yn gynhyrchion na fydd eu gwerth yn uwch nag 20 Ewro am bob pryniant.

(2) At ddibenion y rheoliad hwn, bernir bod y cyfeiriad at 20 Ewro yn gyfeiriad at werth cyfatebol y nifer hwnnw o Ewros mewn sterling, wedi'u trosi drwy gyfeirio at y gyfradd drosi a gyhoeddir yn flynyddol ar ddiwrnod gwaith cyntaf y mis Medi blaenorol yng nghyfes C o Gyfnodolyn Swyddogol y Cymunedau Ewropeaidd neu, os na chyhoeddir cyfradd ynddo ar y diwrnod hwnnw, y gyfradd a gyhoeddir ynddo gyntaf ar ôl hynny.

Gwybodaeth ychwanegol sy'n ymwneud â chylch yr haldiad

7. Caiff y mynegiad o gylch yr haldiad sy'n ofynnol o dan Erthygl 4(1)(c) o Reoliad 104/2000, os yw'r amgylchiadau a ddisgrifir yn Erthygl 5(1)(c) o Reoliad 2065/2001 yn gymwys, fynegi'r amryw Aelod-wladwriaethau neu drydydd gwledydd y cafodd y cynnyrch ei ffermio ynddynt.

Dynodiadau Masnachol Dros Dro

8.-(1) At ddibenion Erthygl 2 o Reoliad 2065/2001 (dynodiadau masnachol dros dro), yr Asiantaeth Safonau Bwyd ("yr Asiantaeth") fydd yr awdurdod cymwys.

(2) Rhaid i'r Asiantaeth lunio a chyhoeddi rhestr o ddynodiadau masnachol dros dro yn unol â'r Erthygl 2 a enwyd.

Gorfodi

9. Rhaid i bob awdurdod bwyd orfodi a gweithredu'r Rheoliadau hyn o fewn ei ardal.

Cymhwyso amryw ddarpariaethau'r Ddeddf

10. Bydd darpariaethau canlynol y Ddeddf yn gymwys at ddibenion y Rheoliadau hyn gyda'r addasiad y dehonglir unrhyw gyfeiriad yn y darpariaethau hynny at y Ddeddf neu Ran o'r Ddeddf yn gyfeiriad at y Rheoliadau hyn ac at y darpariaethau hynny yn Rheoliad 104/2000 a Rheoliad 2065/2001 y mae'r Rheoliadau hyn yn ymwneud â hwy -

- (a) adran 3 (rhagdybiaeth bod bwyd wedi'i fwriadu i bobl ei fwyta);
- (b) adran 20 (tramgwyddau oherwydd bai person arall);
- (c) adran 21 (amddiffyniad diwydrwydd dyladwy) fel y bo'n gymwys at ddibenion adran 8, 14 neu 15;

Small quantities of products

6.-(1) For the purposes of Article 4(1) of Regulation 104/2000 as read with Article 7 of Regulation 2065/2001, the small quantity of products which may be sold directly to consumers shall be products to a value not exceeding 20 Euro for each purchase.

(2) For the purposes of this regulation, the reference to 20 Euro shall be taken to be a reference to the sterling equivalent of that number of Euro, converted by reference to the rate of conversion published annually on the first working day of the preceding September in the C series of the Official Journal of the European Communities or, if no rate is published in it on that day, the first rate published in it thereafter.

Additional information relating to the catch area

7. The indication of catch area required by Article 4(1)(c) of Regulation 104/2000 may, where the circumstances described in Article 5(1)(c) of Regulation 2065/2001 apply, indicate the various Member States or third countries in which the product was farmed.

Provisional commercial designations

8.-(1) For the purposes of Article 2 of Regulation 2065/2001 (provisional commercial designations), the Food Standards Agency ("the Agency") shall be the competent authority.

(2) The Agency shall draw up and publish a list of provisional commercial designations laid down pursuant to the said Article 2.

Enforcement

9. Each food authority shall enforce and execute these Regulations in its area.

Application of various provisions of the Act

10. The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part of the Act shall be construed as a reference to these Regulations and to those provisions of Regulation 104/2000 and Regulation 2065/2001 to which these Regulations relate -

- (a) section 3 (presumption that food is intended for human consumption);
- (b) section 20 (offences due to fault of another person);
- (c) section 21 (defence of due diligence) as it applies for the purposes of section 8, 14 or 15;

- (ch) adran 30(8) (sy'n ymwneud â thystiolaeth ddogfennol);
- (d) adran 32 o'r Ddeddf (pwerau mynediad);
- (dd) adran 33(1) (rhwystro swyddogion etc.);
- (e) adran 33(2) gyda'r addasiad y bernir bod y cyfeiriad at "any such requirement as is mentioned in subsection (1) (b) above" yn gyfeiriad at urhyw ofyniad o'r fath a grybwyllir yn yr is-adran honno fel y cymhwysir hi gan is-baragraff (dd) uchod;
- (f) adran 35(1) (cosbi tramgwyddau) i'r graddau y mae'n ymwneud â thramgwyddau o dan adran 33(1) fel y cymhwysir hi gan is-baragraff (dd) uchod;
- (ff) adran 35(2) a (3) i'r graddau y mae'n ymwneud â thramgwyddau o dan adran 33(2) fel y cymhwysir hi gan is-baragraff (e) uchod;
- (g) adran 36 (tramgwyddau gan gryff corfforaethol);
- (ng) adran 44 (amddiffyn swyddogion sy'n gweithredu'n ddidwyll).

- (d) section 30(8) (which relates to documentary evidence);
- (e) section 32 of the Act (powers of entry);
- (f) section 33(1) (obstruction etc. of officers);
- (g) section 33(2) with the modification that the reference to "any such requirement as is mentioned in subsection (1) (b) above" shall be deemed to be a reference to any such requirement as is mentioned in that subsection as applied by sub-paragraph (f) above;
- (h) section 35(1) (punishment of offences) insofar as it relates to offences under section 33(1) as applied by sub-paragraph (f) above;
- (i) section 35(2) and (3) insofar as it relates to offences under section 33(2) as applied by sub-paragraph (g) above;
- (j) section 36 (offences by bodies corporate);
- (k) section 44 (protection of officers acting in good faith).

Dirymu

11. Dirymir paragraff 1 o Atodlen 1 i Reoliadau Labelu Bwyd 1996 (enwau rhagnodedig pysgod a physgod cregyn) i'r graddau y mae'n gymwys i Gymru.

Revocation

11. Paragraph 1 of Schedule 1 to the Food Labelling Regulations 1996 (prescribed names of fish and shellfish) is revoked insofar as it applies to Wales.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a)

24 Mehefin 2003

24th June 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

YR ATODLEN

Rheoliad 4

DYNODIADAU MASNACHOL

1.-(1) Yn ddarostyngedig i is-baragraffau (2) a (3) o'r paragraff hwn, y dynodiad masnachol ar gyfer unrhyw rywogaeth o bysgod a bennir yng ngholofn 2 o'r Tabl canlynol fydd enw a bennir ar gyfer y rhywogaeth honno yn y cofnod cyfatebol yng ngholofn 1 o'r Tabl a enwyd.

(2) Caniateir defnyddio enw arferol ar gyfer unrhyw rywogaeth o bysgod sydd wedi cael ei mygu neu gael ei rhoi drwy broses debyg, onid yw enw'r rhywogaeth yng ngholofn 2 o'r Tabl canlynol yn cael ei ddilyn gan seren. Mewn achosion o'r fath rhaid i'r enw a ddefnyddir ar gyfer y bwyd pan gaiff y pysgod eu mygu fod naill ai -

- (a) yn enw a bennir ar gyfer y rhywogaeth honno yng ngholofn 1 o'r Tabl a enwyd gyda'r gair "smoked" o'i flaen; neu
- (b) ac eithrio yn achos *Salmo Salar* (L.), "smoked Pacific salmon".

(3) Ni fydd is-baragraff (1) o'r paragraff hwn, o'i ddarllen ynghyd â'r Tabl canlynol, yn gymwys i bysgod a reoleiddir gan Reoliad y Cyngor (EEC) Rhif 2136/89(a) sy'n gosod safonau marchnata cyffredin ar gyfer sardins wedi'u preserfio, neu Reoliad y Cyngor (EEC) Rhif 1536/92(b) sy'n gosod safonau marchnata cyffredin ar gyfer tiwna a bonito wedi'u preserfio.

SCHEDULE

Regulation 4

COMMERCIAL DESIGNATIONS

1.-(1) Subject to subparagraphs (2) and (3) of this paragraph, 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 of the said Table.

(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 following 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) Subparagraph (1) of this paragraph, as read with the following Table, shall not apply to fish regulated by Council Regulation (EEC) No 2136/89(a) laying down common marketing standards for preserved sardines, or Council Regulation (EEC) No 1536/92(b) laying down common marketing standards for preserved tuna and bonito.

(a) OJ Rhif L212, 22.7.89, t.79.

(b) OJ Rhif L163, 17.6.92, t.1.

(a) OJ No. L212, 22.7.89, p.79.

(b) OJ No. L163, 17.6.92, p.1.

<i>(i) Column 1</i>	<i>Column 2</i>
Commercial designation	Species of fish
(3) Sea Fish	
Anchovy	All species of the family <i>Engraulidae</i>
Barracuda	All species of <i>Sphyraena</i>
Barramundi	(a) <i>Lates calcarifer</i>
Bass <i>or</i> Sea bass	<i>Dicentrarchus labrax (L.)</i>
Japanese sea bass	<i>Lateolabrax japonicus</i>
Spotted sea bass	<i>Dicentrarchus punctatus</i>
Southern rock bass	<i>Paralabrax callaensis</i>
Bigeye	All species of <i>Priacanthus</i>
Bluefish <i>or</i> Tailor	<i>Pomatomus saltatrix</i>
Bogue	<i>Boops boops</i>
Bonito	All species of <i>Sarda</i> All species of <i>Euthynnus</i> , with the exception of <i>Euthynnus (Katsuwonus) pelamis</i> All species of <i>Auxis</i>
Brill	<i>Scophthalmus rhombus (L.)</i>
Brisling	<i>Sprattus sprattus (L.)</i> when canned
Catfish <i>or</i> Rockfish <i>or</i> Wolffish	All species of <i>Anarhichas</i>
Cobia	<i>Rachycentron canadum</i>
Cod <i>or</i> Codling	<i>Gadus morhua</i>
Pacific cod <i>or</i> Cod	<i>Gadus macrocephalus</i>
Greenland cod <i>or</i> Cod	<i>Gadus ogac</i>
Saffron cod	<i>Eleginus gracilis</i>
Red cod	<i>Pseudophycis bachus</i>
Blue cod	<i>Parapercis colias</i>
Coley <i>or</i> Saithe <i>or</i> Coalfish	<i>Pollachius virens (L.)</i>
Conger	All species of <i>Conger</i>
Croaker <i>or</i> Drum <i>or</i> Jewfish	All species of the family <i>Sciaenidae</i>
Dab	<i>Limanda limanda (L.)</i>
Yellowtail dab	<i>Limanda ferruginea</i>
Pacific sand dab	(ii) <i>Citharichthys sordidus</i>
Dogfish <i>or</i> Flake <i>or</i> Huss <i>or</i> Rigg <i>or</i> Rock Salmon <i>or</i> Rock Eel	All species of <i>Galeorhinus</i> All species of <i>Mustelus</i> All species of <i>Scyliorhinus</i> <i>Galeus melastomus Rafin.</i> <i>Squalus acanthias (L.)</i>
Dory <i>or</i> John Dory <i>or</i> St Peter's fish	<i>Zeus faber (L.)</i>

<i>(i) Column 1</i>	<i>Column 2</i>
Eel	All species of <i>Anguilla</i>
Emperor	All species of <i>Lethrinus</i>
Escolar or Snake Mackerel	(iii) All species of the family <i>Gempylidae</i>
Flounder	<i>Platichthys flesus</i> (L.)
Flying fish	All species of the family <i>Exocoetidae</i>
Greenling	(a) <i>Ophiodon elongatus</i>
Grouper	All species of <i>Mycteroperca</i> All species of <i>Epinephelus</i>
Gurnard	All species of the family <i>Triglidae</i> <i>Peristedion cataphractum</i> (L.)
Haddock	<i>Melanogrammus aeglefinus</i> (L.)
Hake	All species of <i>Merluccius</i> Alternatively, the following may be used
Cape hake	(iv) <i>Merluccius capensis</i> <i>Merluccius paradoxus</i>
White hake	<i>Urophycis tenuis</i>
Halibut	<i>Hippoglossus hippoglossus</i> (L.) <i>Hippoglossus stenolepis</i>
Black halibut or Mock halibut	<i>Reinhardtius hippoglossoides</i> (Walbaum)
Herring	<i>Clupea harengus</i> (L.)
Hilsa	2. <i>Tenulosa ilisha</i>
Hoki	<i>Macruronus novaezelandiae</i>
Chilean hoki	<i>Macruronus magellanicus</i>
Jack or Scad or Horse Mackerel or Trevally	All species of <i>Caranx</i> All species of <i>Hemicaranx</i> All species of <i>Seriola</i> All species of <i>Trachurus</i> All species of <i>Decapterus</i>
Kingklip	(ii) <i>Genypterus capensis</i>
Ladyfish	All species of the family <i>Elopidae</i>
Ling	All species of <i>Molva</i>
Lumpfish or Lumpsucker	<i>Cyclopterus lumpus</i>
Mackerel	All species of <i>Scomber</i>
King Mackerel or Kingfish	<i>Scomberomorus cavalla</i>
Mahi Mahi	(iii) <i>Coryphaena hippurus</i>
Marlin	All species of <i>Makaira</i>
Megrim	All species of <i>Lepidorhombus</i>

(i) Column 1	Column 2
Milkfish	<i>Chanos chanos</i>
Monk(fish) or Angler(fish) Cape monk(fish) or Cape angler(fish)	<i>Lophius piscatorius</i> (L.) (aa) <i>Lophius americanus</i> (a) <i>Lophius vomerinus</i>
Red mullet Goatfish Grey mullet	(iv) All species of <i>Mullus</i> All other species of the family <i>Mullidae</i> All species of <i>Mugil</i> All species of <i>Liza</i> All species of <i>Chelon</i>
Opah or Moonfish	All species of <i>Lampris</i>
Orange roughy	(v) <i>Hoplostethus atlanticus</i>
Parrotfish	All species of the family <i>Scaridae</i>
Picarel	<i>Spicara smaris</i>
Pilchard Pacific pilchard South Atlantic pilchard	<i>Sardina pilchardus</i> (Walbaum) <i>Sardinops sagax</i> that has been caught in the Pacific Ocean. <i>Sardinops sagax</i> that has been caught in the South Atlantic Ocean.
Plaice American plaice	<i>Pleuronectes platessa</i> (L.) <i>Hippoglossoides platessoides</i> (Fabr.)
Pollack or Pollock or Lythe Pacific pollack or Pacific pollock or Alaska pollack or Alaska pollock	<i>Pollachius pollachius</i> (L.) <i>Theragra chalcogramma</i> (Pallas)
Pomfret or Butterfish	All species of <i>Brama</i> All species of <i>Stromateus</i> All species of <i>Pampus</i>
Poor cod	(vi) <i>Trisopterus minutus</i>
Pout or Pout Whiting or Pouting or Bib	<i>Trisopterus luscus</i>
Rainbow runner	(vii) <i>Elagatis bipinnulata</i>
Redfish or Ocean perch or Rose fish	All species of <i>Sebastes</i> All species of <i>Helicolenus</i>
Sablefish	3. <i>Anoplopoma fimbria</i>
Sailfish	All species of <i>Istiophorus</i>
Sardine	Small <i>Sardina pilchardus</i> (Walbaum)
Sardinella	All species of <i>Sardinella</i>
Scabbard fish or Sabre or Sabre fish or Silver sabre or Black sabre	<i>Lepidopus caudatus</i> <i>Aphanopus carbo</i>
Sea bream or Porgy	All species of the family <i>Sparidae</i> except <i>Boops boops</i>
Sild	Small <i>Clupea harengus</i> (L.), when canned Small <i>Sprattus sprattus</i> (L.), when canned

(i) Column 1	(ii) Column 2
Skate <i>or</i> Ray <i>or</i> Roker	All species of <i>Raja</i>
Smelt <i>or</i> Sparling	All species of <i>Osmerus</i>
Snapper	All species of the family <i>Lutjanidae</i>
Jobfish	<i>Alternatively, the following may be used</i> All species of <i>Aphareus</i> All species of <i>Aprion</i> All species of <i>Pristipomoides</i>
Snook	All species of <i>Centropomus</i>
Sole <i>or</i> Dover sole	<i>Solea solea</i> (L.)
Butter sole	<i>Isopsetta isolepis</i>
Californian sole	<i>Parophrys vetulus</i>
Lemon sole	<i>Microstomus kitt</i> (Walbaum)
Petrale sole	<i>Eopsetta jordani</i>
Rex sole <i>or</i> Long-finned sole	<i>Glyptocephalus zachirus</i>
Rock sole	<i>Lepidopsetta bilineata</i>
Pacific sole	<i>Microstomus pacificus</i>
Torbay sole <i>or</i> Witch	<i>Glyptocephalus cynoglossus</i> (L.)
Sprat	<i>Sprattus sprattus</i> (L.), except when canned
Swordfish	<i>Xiphias gladius</i>
Tarpon	All species of the family <i>Megalopidae</i>
Threadfin bream	All species of <i>Nemipterus</i>
Toothfish <i>or</i> Icefish	<i>Dissostichus mawsoni</i> <i>Dissostichus eleginoides</i>
Tuna <i>or</i> Tunny	All species of <i>Thunnus</i>
Skipjack tuna (<i>or</i> tuna)	<i>Katsuwonus pelamis</i>
Albacore tuna (<i>or</i> tuna)	<i>Thunnus alalunga</i>
Yellowfin tuna (<i>or</i> tuna)	<i>Thunnus albacares</i>
Bluefin tuna (<i>or</i> tuna)	<i>Thunnus thynnus</i>
Bigeye tuna (<i>or</i> tuna)	<i>Thunnus obesus</i>
Turbot	<i>Psetta maxima</i>
Wahoo	(ii) <i>Acanthocybium solandri</i>
Whitebait	<i>Small Clupea harengus</i> (L.) <i>Small Sprattus sprattus</i> (L.)(except when canned)
Whiting	<i>Merlangius merlangus</i> (L.)
Blue whiting	<i>Micromesistius poutassou</i> (Risso)
Southern blue whiting	<i>Micromesistius australis</i>

(i) Column 1	(ii) Column 2
Winter flounder	<i>Pseudopleuronectes americanus</i> (Walbaum)
4. (a) Salmon and Freshwater Fish	
Bacha	<i>Eutropiichthys vacha</i>
Batashi	<i>Pseudeutropius atherinoides</i>
Carp	All species of the family <i>Cyprinidae</i> Alternatively the following may be used
Mowrala	<i>Amblypharyngodon mola</i>
Banspata	<i>Danio devario</i>
Bata	<i>Labeo bata</i>
Kalibous	<i>Labeo calbasu</i>
Ghania	<i>Labeo gonius</i>
Ruhi	<i>Labeo rohita</i>
Punti	<i>Puntius sarana</i>
Chelapata	<i>Salmostoma bacaila</i>
Catfish or American catfish or Channel catfish	All species of the family <i>Ictaluridae</i>
Catfish	All species of the family <i>Clariidae</i> All species of the family <i>Siluridae</i> All species of the family <i>Bagridae</i> Alternatively the following may be used
Magur	(i) <i>Clarias batrachus</i>
Gulsha	<i>Mystus bleekeri</i>
Buzuri	<i>Mystus tengara</i>
Tengra	<i>Mystus vittatus</i>
Pabda	<i>Ompok pabda</i>
Ayre	<i>Sperata aor</i>
Boal	<i>Wallago attu</i>
Chapila	<i>Gudusia chapra</i>
Char	All species of <i>Salvelinus</i>
Kakila	<i>Xenentodon cancila</i>
Keski	<i>Corica soborna</i>
Khalisha	<i>Colisa fasciatus</i>
Koi	<i>Anabas testudineus</i>
Largebaim	<i>Mastacembelus armatus</i>
Meni	<i>Nandus nandus</i>
Nile Perch	(ii) <i>Lates niloticus</i>

(i) Column 1	(ii) Column 2
Pacific dory <i>or</i> Vietnamese sole	(aa) <i>Pangasius bocourti</i>
Patabaim	<i>Macrognathus aculeatus</i>
Queen fish	<i>Botia dario</i>
(b) River cobbler	(iii) <i>Pangasius micronemus</i> (iv) <i>Pangasius hypophthalmus</i>
Salmon <i>or</i> Atlantic salmon	<i>Salmo salar</i> (L.)*
Cherry salmon <i>or</i> Pacific salmon	<i>Oncorhynchus masou</i> *
Chum salmon <i>or</i> Keta salmon	<i>Oncorhynchus keta</i> (Walbaum)*
Medium red salmon <i>or</i> Coho salmon <i>or</i> Silver salmon	<i>Oncorhynchus kisutch</i> (Walbaum)*
Pink salmon	<i>Oncorhynchus gorbuscha</i> (Walbaum)*
Red salmon <i>or</i> Sockeye salmon	<i>Oncorhynchus nerka</i> (Walbaum)*
Spring salmon <i>or</i> King salmon <i>or</i> Chinook salmon <i>or</i> Pacific salmon	<i>Oncorhynchus tshawytscha</i> (Walbaum)*
Shol	<i>Channa striata</i>
Taki	<i>Channa punctata</i>
Tilapia	All species of <i>Tilapia</i> All species of <i>Oreochromis</i>
Trout <i>or</i> Brown trout	<i>Salmo trutta</i> (L.) which has spent all of its life in fresh water
Sea trout <i>or</i> Salmon trout	<i>Salmo trutta</i> (L.) which has spent part of its life in sea water
Cut-throat trout <i>or</i> trout	<i>Oncorhynchus clarki</i>
Rainbow trout <i>or</i> Steelhead trout <i>or</i> trout	<i>Oncorhynchus mykiss</i>
(b) (c) Shellfish	
Abalone <i>or</i> Ormer	All species of <i>Haliotis</i>
Clam <i>or</i> Hard shell clam	<i>Mercenaria mercenaria</i> (L.) <i>Venus verrucosa</i> (L.)
Clam <i>or</i> Razor clam	All species of <i>Ensis</i> and <i>Solen</i>
Geoduck <i>or</i> Geoduck clam	(b) <i>Panopea abrupta</i>
Surf clam	All species of <i>Spisula</i>
Cockle	All species of <i>Cerastoderma</i>
Crab	All species of the order <i>Brachyura</i> All species of the family <i>Lithodidae</i>
Crayfish	All species of the family <i>Astacidae</i> All species of the family <i>Parastacidae</i> All species of the family <i>Austroastacidae</i> All species of the family <i>Cambaridae</i>
Cuttlefish	All species of <i>Sepia</i> <i>Rossia macrosoma</i>

<i>(i) Column 1</i>	<i>(ii) Column 2</i>
Pacific scampi	<i>Metanephrops andamanicus</i> <i>Metanephrops challengerii</i> <i>Metanephrops thomsoni</i>
Shrimp Shrimp <i>or</i> Pink shrimp Shrimp <i>or</i> Brown 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 <i>Palaemonidae</i> , all species of the family <i>Penaeidae</i> , and all species of the family <i>Pandalidae</i> <i>Pandalus montagui</i> Leach All species of <i>Crangon</i>
Squid Arrow Squid	All species of <i>Loligo</i> All species of <i>Illex</i> <i>Ommastrephes sagittatus</i> (v) <i>Nototodarus sloani</i> <i>Nototodarus gouldi</i>
Whelk	All species of <i>Buccinum</i>
Winkle	All species of <i>Littorina</i>

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STATUTORY INSTRUMENTS

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The Fish Labelling (Wales)
Regulations 2003

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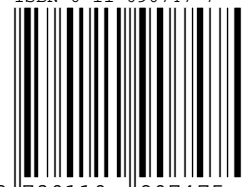
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