WELSH STATUTORY INSTRUMENTS

2006 No. 1339 (W.131) FOOD, WALES

The Fish Labelling (Wales) (Amendment) Regulations 2006

 Made
 16 May 2006

 Coming into force
 24 May 2006

The National Assembly for Wales 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 it(2).

In accordance with section 48(4A) of that Act, it 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(3) 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, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title, commencement and application

1. The title of these Regulations is the Fish Labelling (Wales) (Amendment) Regulations 2006, will come into force on 24 May 2006 and apply in relation to Wales.

Amendment of the Fish Labelling (Wales) Regulations 2003

- 2. The Fish Labelling (Wales) 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 of 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 Secretary of State" 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).

⁽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. 2003/1635 (W.177).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5)

16 May 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly

SCHEDULE

Regulation 2(b)

"SCHEDULE

Regulation

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(6) as amended by Commission Regulation (EC) No. 1181/2003(7) laying down common marketing standards for preserved sardines, or Council Regulation (EEC) No. 1536/92(8) 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 (Katsuwonus) pelamis</i>
	All species of Auxis
Brill	Scophthalmus rhombus (L.)

⁽⁶⁾ OJ No. L212, 22.7.89, p.79.

⁽⁷⁾ OJ No. L165, 3.7.2003, P.17.

⁽⁸⁾ OJ No. L163, 17.6.92, p.1.

Column 1 Commercial designation	Column 2 Species of fish
Brisling	Sprattus sprattus (L.) when canned
Catfish or Rockfish or Wolffish	All species of Anarhichas
Sea catfish	All species of the family Ariidae
Cobia	Rachycentron canadum
Cod or Codling	Gadus morhua
Pacific cod or Cod	Gadus macrocephalus
Greenland cod or Cod	Gadus ogac
Saffron 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 Jewfish	All species of the family or Sciaenidae
	Alternatively, the following may be used
Southern meagre or Mulloway	Argyrosomus hololepidotus
Meagre	Argyrosomus regius
Dab	Limanda limanda (L.)
Yellowtail dab or Yellowtail flounder	Limanda ferruginea
Pacific sand dab	Citharichthys sordidus
Yellowfin sole	Limanda aspera
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 Galeorhinus
	All species of Mustelus
	All species of Scyliorhinus
	Galeus melastomus
	Squalus acanthias (L.)
Silky shark or Shark	Carcharhinus falciformis
Blacktip shark or Shark	Carcharhinus limbatus
Sandbar shark or Shark	Carcharhinus plumbeus
Basking shark or Shark	Cetorhinus maximus
Shortfin mako or Shortfin mako shark or Shark	Isurus oxyrinchus
Porbeagle or Shark	Lamna nasus
Blue shark or Shark	Prionace glauca

Column 1	Column 2
Commercial designation	Species of fish
Whale shark or Shark	Rhincodon typus
Dory or John Dory or St Peter's fish	Zeus faber (L.)
Eel	All species of Anguilla
Emper <i>or</i>	All species of Lethrinus
Escolar or Mackerel	All species of the family Snake
	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	Al species of Mycteroperca
	All species of Epinephelus
Gurnard	All species of the family <i>Triglidae</i>
	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 or Black halibut or 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

Column 1	Column 2
Commercial designation	Species of fish
	All species of Hemicaranx
	All species of Seriola
	All species of <i>Trachurus</i>
	All species of Decapterus
	Alternatively, the following maybe 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 Goatfish	All species of the family or Mullidae
Grey mullet	All species of the family Mugilidae
Opah or Moonfish	All species of Lampris
Orange roughy	Hoplostethus atlanticus
Parrotfish	All species of the family Scaridae
Peruvian moonfish	Selene peruviana

Column 1	Column 2
Commercial designation	Species of fish
Picarel	Spicara smaris
Pilchard	Sardina pilchardus (Walbaum)
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 <i>or</i> 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

Column 1 Commercial designation	Column 2 Species of fish
Small sandeel	Ammodytes tobianus
Smelt or Sparling	All species of Osmerus
Snapper	All species of the family <i>Lutjanidae</i>
	Alternatively, the following maybe used
Jobfish	All species of Aphareus
	All species of Aprion
	All species of Pristipomoides
Snook	All species of Centropomus
Sole or 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 or Tunny	All species of <i>Thunnus</i>
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 Or</i> iental bluefin tuna (<i>or</i> tuna)	Thunnus orientalis
Southern bluefin tuna (or tuna)	Thunnus maccoyii

Column 1 Commercial designation	Column 2 Species of fish
Bigeye tuna (or tuna)	Thunnus obesus
Turbot	Psetta maxima
Wahoo	Acanthocybium solandri
Weever	All species of the family <i>Trachinidae</i>
Whitebait	Small Clupea harengus (L.)
	Small Sprattus sprattus (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

Column 1	Column 2
Commercial designation	Species of fish
	All species of the family Bagridae
	All species of the family <i>Pimelodidae</i>
	Alternatively, the following may be used
Magur	Clarias batrachus
Gulsha	Mystus bleekeri
Buzuri	Mystus tengara
Tengra	Mystus vittatus
Pabda	Ompok pabda
Ayre	Sperata aor
Boal	Wallago attu
Chapila	Gudusia chapra
Char	All species of Salvelinus
Kakila	Xenentodon cancila
Keski	Corica soborna
Khalisha	Colisa fasciatus
Koi	Anabas testudineus
Largebaim	Mastacembelus armatus
Meni	Nandus nandus
Nile perch	Lates niloticus
Pacu	Piaractus mesopotamicus
Patabaim	Macrognathus aculeatus
Pike or Northern pike	Esox lucius
Queen fish	Botia dario
River cobbler <i>or</i> Basa <i>or</i> Pangasius <i>or</i> Panga(s) <i>or</i> any of these together with the additional word "catfish"	All species of <i>Pangasius</i>
Salmon or Atlantic salmon	Salmo salar (L.)*
Cherry salmon or Pacific salmon	Oncorhynchus masou masou*
Chum salmon or Keta salmon	Oncorhynchus keta (Walbaum)*
Medium red salmon or Coho salmon or Silver salmon	Oncorhynchus kisutch (Walbaum)*
Pink salmon	Oncorhynchus gorbuscha (Walbaum)*
Red salmon or Sockeye salmon	Oncorhynchus nerka (Walbaum)*

Column 1 Commercial designation	Column 2 Species of fish
Spring salmon <i>or</i> King salmon <i>or</i> Chinook salmon <i>or</i> Pacific salmon	Oncorhynchus tshawytscha (Walbaum)*
Pollan or Arctic cisco	Coregonus autumnalis
Vendace	Coregonus albula
Shol	Channa striata
Taki	Channa punctata
Tambaqui or Cachama	Colossoma macroponum
Tilapia	All species of Tilapia
	All species of Oreochromis
Trout or Brown trout	Salmo trutta trutta (L.) which spent all of its life in fresh water
Sea trout or Salmon trout	Salmo trutta trutta (L.) which 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 or 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
	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
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Column 1	Column 2
Commercial designation	Species of fish
Crab	All species of the <i>or</i> der Brachyura
	All species of the family Lithodidae
Crayfish	All species of the family Astacidae
	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) <i>or</i> 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

Column 1	Column 2
Commercial designation	Species of fish
T.	all species of the family <i>Pandalidae</i>
King prawn	All species of the family <i>Palaemonidae</i>
	All species of the family Penaeidae
	All species of the family Aristaeidae
	Where the count is less than 123 per kg (head on/shell on) <i>or</i> less than 198 per kg (head off/shell on) <i>or</i> 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) or opercularis
Scallop or Common scallop	All species of the family Pectinidae
Scampi <i>or</i> N <i>or</i> way lobster <i>or</i> Dublin Bay prawn <i>or</i> 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

Column 1	Column 2
Commercial designation	Species of fish
Shrimp or Brown shrimp	All species of Crangon
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 Wales amend the Fish Labelling (Wales) Regulations 2003 ("the principal Regulations") which 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.

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 appraisal has been prepared and placed in the Library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.