
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply in relation to England only, provide for the execution and enforcement there of Title I, Chapter 2 (consumer information) of Council Regulation (EC) No. 104/2000 on the common organisation of the markets in fishery and aquaculture products (OJNo. L17, 21.2.2000, p.22) as applied by Commission Regulation (EC) No. 2065/2001 laying down detailed rules for the application of Council Regulation (EC) No.104/2000 as regards informing consumers about fishery and aquaculture products (OJ No. L278, 23.10.2001, p.6).

2. Title I of Chapter 2 of Council Regulation (EC) No. 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) No. 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.

3. These Regulations:

- (a) provide an updated list 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*);
- (b) provide for the derogation at Article 4.2 of Regulation (EC) No. 2065/2001 (circumstances in which fishery products may be sold to the final consumer without being marked or labelled with the production method) (*regulation 5*);
- (c) in accordance with Article 7 of Regulation (EC) No. 2065/2001, determine what constitutes “small quantities of products sold directly to consumers” for the purposes of applying the derogation at Article 4.1 of Regulation (EC) No. 104/2000 (*regulation 6*); and
- (d) provide that the indication of catch area required by Article 4.1(c) of Regulation (EC) No. 104/2000 may, in accordance in accordance with Article 5(1)(c) of Regulation (EC) No. 2065/2001, indicate the various member States or third countries in which the product was farmed (*regulation 7*);
- (e) create offences and prescribe penalties (*regulation 3*), specify enforcement authorities (*regulation 9*) and apply with modifications specified provisions of the Food Safety Act 1990 (*regulation 10*); and
- (f) revoke the Fish Labelling (England) Regulations 2003 (S.I. 2003/461) and the Fish Labelling (Amendment) (England) Regulations 2006 (S.I. 2006/506) (*regulation 11*).

4. A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Food Composition and Labelling Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.