
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations designate the Secretary of State to draw up and publish the list of commercial designations of fish species accepted in the United Kingdom pursuant to Article 4(2) of Council Regulation (EC) No 104/2000 on the common organisation of the markets in fishery and aquaculture products (OJ No L 17, 21.1.2000, p 22) (regulation 3). They also designate the Secretary of State as the competent authority in the United Kingdom for the purposes of Article 2(1) of 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 L 278, 23.10.2001, p 6) (regulation 4).

Part 3 of these Regulations enforces in England the consumer information requirements of Chapter 2 of Title I of Council Regulation (EC) No 104/2000 and Commission Regulation (EC) No 2065/2001. They also enforce in England the traceability requirements of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (OJ No L 343, 22.12.2009, p 1) and Article 67 of Commission Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ No L 112, 30.4.2011, p 1).

Regulation 7 applies section 10 of the Food Safety Act 1990 (c.16) with modifications so that an authorised officer of an enforcement authority can serve an improvement notice on an operator who fails to comply with the consumer information requirements or traceability requirements. Regulation 8 applies section 37 of that Act with modifications so that an operator can appeal against service of an improvement notice to the First-tier Tribunal. Regulation 9 applies section 39 of the Act to enable the First-tier Tribunal to either cancel or affirm an improvement notice.

Regulation 10 requires operators to keep records of information specified in Article 58(4) of Council Regulation (EC) No 1224/2009 (as read with Article 67(4) of Commission Implementing Regulation (EU) No 404/2011) and creates an offence for failure to comply with that requirement. Regulation 11 creates an offence for failure to produce those records on demand in breach of that Article.

Regulation 13 and the Schedule apply certain other provisions of the Food Safety Act 1990 to these Regulations with consequential modifications.

Regulation 14 provides that each food authority in England must execute and enforce these Regulations in its area.

Regulation 15 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector in England is available at www.gov.uk/defra or from the Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London, SW1P 3JR and is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.