



To: **Heads of Environmental Health Service
Directors of Trading Standards Services**

Title: Labelling and Traceability of Fish and Fishery Products		Date: 15 February 2018
Summary: To note recent evaluation of official control systems in place to control the traceability and labelling of fish and fishery products, and further information and guidance on this matter.		Notification <ul style="list-style-type: none">Standards
Key words: Fish, labelling		URN: PLGEN18003 ENF/E/18/015
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Dear Colleague

To note outcomes of the evaluation of official control systems in place to control the traceability and labelling of fish and fishery products

In its role to support local authorities in undertaking effective official controls, the Food Standards Agency (FSA) has been working with Defra, to provide an update to the advice given in November 2015 (<https://www.food.gov.uk/sites/default/files/enf-e-15-032.pdf>) concerning fish labelling and traceability.

This letter supersedes the previous advice.

You will wish to be aware that the Directorate-General for Health and Food Safety and the Directorate-General for Maritime Affairs and Fisheries carried out a review of audits undertaken in 2011 and 2015, concerning official controls in place to control labelling and traceability of fish and fishery products

The audit report highlighted concerns around the cooperation between various Central Competent Authorities and highlighted concerns regarding UKs ability to trace fish from capture to point of retail. The FSA in partnership with the UK Fisheries Enforcement, Coordination and Control Group had assessed the audit findings and have agreed to issue this guidance to Environmental Health and Trading Standards services colleagues.

Local authorities are asked to familiarise themselves with the information and guidance from Defra relating to this **(Annex 1)**.

You will wish to be aware that for England the Marine Management Organisation (MMO) have sent a combined letter to registered buyers and sellers, covering traceability, transport documents, takeover declarations and weighing has been approved and we have attached this for your information at **Annex 2**.

Yours sincerely
Chris Rowswell
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Annex 1 – Further information and guidance on Fish Labelling Traceability and Information Requirements from December 2014

Introduction

1. Fresh fish and shellfish landed at ports are supplied to businesses and consumers across the UK, the European Union and beyond. Providing accurate and meaningful information about these fishery products is vital to maintain consumer confidence and enable informed choice. Therefore, it is essential that businesses at each stage of the chain from catching, processing and retailing are clear about their responsibilities regarding traceability and consumer information for fishery products.

Traceability

2. All lots of fishery products must be traceable at all stages of production, processing and distribution, from catching or harvesting to retail stage. Adequate labelling is needed to ensure the traceability of each lot intended for marketing in the EU. It is possible to merge or split lots after first sale provided they can be traced back to the catching stage.
3. Definition of a 'lot'. For sea fish this is a quantity of fishery products of a given species of the same presentation and coming from the same relevant geographical area and the same fishing vessel, or group of fishing vessels.
4. The minimum labelling and information requirements for all lots of fishery products include:
 - the identification number of each lot;
 - the external identification number and name of the fishing vessel;
 - the FAO alpha-3 code of each species;
 - the date of catches;
 - the quantities of each species in kilograms expressed in net weight or, where appropriate, the number of individuals;
 - the name and address of the suppliers;
 - the consumer information as described at paragraph 6.

Exemption

5. Small quantities of products sold directly from fishing vessels to consumers are exempt from the traceability requirements, provided that these do not exceed the value of £30k per day.

Consumer Information

6. Under EU Fisheries legislation which applied from 13 December 2014 the information needed for prepacked and loose fishery products (sea fish) when sold to the final consumer or mass caterers has been modified. Details of the required information and where there are changes (underlined) are as follows:
 - the commercial designation of the species and its scientific name;
 - the production method, in particular '... caught ...'
 - the area where the fish was caught and the category of fishing gear used;
 - whether the fish has been defrosted;
 - the date of minimum durability, for prepacked fish.

Commercial designations and scientific names

7. The UK list of recognised commercial designations and scientific names is available on https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/236702/pb14027-uk-commercial-designation-fish-list.pdf

Catch areas

8. From 13 December 2014 a more precise catch area is needed for fish caught at sea in waters around the EU, including the North East Atlantic area. This is the name in writing of the sub-area or division shown in the United Nations Food and Agriculture Office (FAO) fishing areas. In addition, the name of the zone should be given in terms understandable to the consumer, or a map or pictogram showing that zone.
9. The FAO list showing sub-areas and divisions is available on: <http://www.fao.org/fishery/area/Area27/en>

Category of fishing gear

10. The types of gear e.g. seines, trawls, surrounding nets etc. are listed in Regulation (EU) No 1379/2013 Annex III which is available on: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1379&rid=2>

Non-prepacked fishery products

11. For non-prepacked fishery products (loose sales, but not catering), the consumer information in paragraph 6 may be provided for retail sale by means of commercial information such as billboards or posters.

Mixed fishery products

12. Where a mixed product is offered for sale to the final consumer or to a mass caterer that consists of the same species but which has been derived from different production methods the method for each batch is needed. E.g. 'caught' or 'farmed in'.
13. Where a mixed product is offered for sale to the final consumer or to a mass caterer that consists of the same species but which has been derived from a variety of catch areas, at least the area of the batch which is most representative in terms of quantity is needed along with an indication that the products also come from different catch areas.

Exemptions

14. 'Defrosted' - There is no need to show 'defrosted' for:
 - ingredients present in the final product;
 - foods for which freezing is a technologically necessary step in the production process;
 - fishery products previously frozen for health safety purposes, in accordance with Annex III, Section VIII, of Regulation (EC) No 853/2004;
 - fishery products which have been defrosted before the process of smoking, salting, cooking, pickling, drying or a combination of any of those processes.
15. Small quantities - The exemption from these consumer information requirements for small quantities of products (i.e. less than the Sterling equivalent of 50€ or £30k) sold directly from fishing vessels to consumers will continue.
16. Fishery products and their packages which were labelled or marked prior to 13 December 2014 and which do not comply with these requirements may be sold until stocks are exhausted.

Providing information

17. Businesses at each stage of the chain have responsibility for providing information about the fish they supply to their customers. This includes fishing vessels to processors, processors to caterers and retailers etc.

18. It is hoped that using commercial documents as much as possible to cover the information flow from catching sector to processors and retailers will provide a low-cost solution for industry compliance with the new regulation. Suggestions for providing information include:
19. A suggested template to cover the full traceability information for each lot mentioned in paragraph 4.
20. Commercial documents, such as invoices or sales receipts, from a fishing vessel showing, for example 'North Sea IVa', would enable processors and retailers to make full use of the options available in presenting the catch area information to consumers mentioned in paragraph 8.
21. Other methods could be used if they allow the full traceability information to travel with the fish, for example note books, photographs of the lot labels etc.

Enforcement arrangements

22. The Fish Labelling Regulations (SI 2013/1768) Regulations came into force on 2nd September 2013 supporting national measures to implement EU Regulations (EC) 1379/2013 on the common organisation of the markets in fishery and aquaculture products of 11 December 2013. (EC) 1224/2009 and (EC) 404/2011. One of the main purposes of these regulations for the enforcement purposes is section 7 which applies the provisions for the introduction of Improvement Notices which may be issued by LAs to FBOs where deficiencies are identified to ensure that traceability and general food labelling rules are complied with and these are normally done at the point of sale (including retail and catering level).
23. Improvement Notices should provide a roadmap to compliance and notices would be issued as part of the escalation of enforcement action in line with Local Authorities' hierarchy of enforcement.
24. Ultimately Food Businesses Operators (FBOs) are responsible for complying with the Regulations. They must ensure that consumers are provided with the necessary information and it's a requirement under the Regulations for FBOs to keep records of the necessary information and an offence if they are unable to provide this information upon request.
25. In October 2016 we wrote to LAs informing them of certain recommendations arising from an audit by the EU Commission to evaluate the food safety control systems in place governing the production and placing on the market of fishery products in the UK (<https://www.food.gov.uk/sites/default/files/enf-e-16-061.pdf>). One of the key recommendations was that the FSA (as the competent authority) should ensure that all fishing vessels were inspected as required under Annex III, Chapter I, part 1(b) of Regulation (EC) No 854/2004 and that requirements of Chapter I, Section VIII of Annex III to Regulation (EC) No 853/2004 were met. To ensure that this could be done we have put in place a system to formalise the current informal intelligence sharing that the FSA and LAs have with other regulators such as the Marine Management Organisation (MMO) by agreeing a Memorandum of Understanding (MoU). The FSA is aware that at present LAs prioritise their inspections of vessels based on local intelligence including that shared with other inspecting bodies in the UK such as when they have concerns over the hygiene or safety of fishing vessels they inspect. The MoU has now formalised those arrangements in line with Directorate F recommendations.
26. Further guidance and model template for enforcement officers issuing Improvement Notices under regulation 7 of the Fish Labelling Regulations 2013 are attached.

Other resources include:

- Commission pocket book on fish and aquaculture labels which can be found at: http://ec.europa.eu/fisheries/documentation/publications/eu-new-fish-and-aquaculture-consumer-labels-pocket-guide_en.pdf
- SeaFish Regulation guidance: http://www.seafish.org/media/publications/CMO_Guide_Ver_2_17-10.pdf

Annex 2

Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

T +44 (0)300 123 1032
www.gov.uk/mmo

[Recipient's name]

[Position, company]

[First address line]

[Second address line]

[Town/City Postcode]

Our reference :[RBS Reg
number]

Date

Dear Sir/Madam

Registration of Buyers and Sellers of First Sale Fish Scheme – Weighing, traceability and registration details.

As you are a registered buyer or seller¹, I am writing to remind you of the weighing and traceability requirements under Council Regulation (EC) No 1224/2009 (the 'Control Regulation').

In addition, the details of your registration may have changed since you registered as a buyer or seller of first sale fish and this letter is an opportunity for you to notify us of any such changes.

Weighing requirements

The Control Regulation requires all fish to be weighed before first sale on certified weighing systems. The result of that weighing operation must be used to complete sales notes.

Guidance on your obligations for the weighing of fish is available at:

www.gov.uk/government/publications/how-to-trace-weigh-and-distribute-fish-products/weighing

Traceability requirements

The Control Regulation requires that all fisheries products must be traceable from catching or harvesting stage to retail stage.

As such fish which you are responsible for must be accompanied by documentation that shows from which vessel (or, in the case of lots mixed after first sale, group of vessels,) the fish was caught. Additional information is also required including where, when and how the fish was caught.

¹ The Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites Regulations 2005, Statutory Instrument 2005 No. 1605

Guidance on your obligations for traceability of fish is available at:

www.gov.uk/government/publications/how-to-trace-weigh-and-distribute-fish-products/traceability-and-labelling-information

Takeover Declarations

If you take charge of fish after it has been landed and prior to it being sold for the first time (for example when fresh fish is kept in a chiller prior to sale by auction) then you must submit a takeover declaration.

Guidance on your obligations for completion of takeover declarations is available at:

www.gov.uk/government/publications/how-to-trace-weigh-and-distribute-fish-products/takeover-of-fisheries-products

Transport Documents

If you transport fish away from the port where it was landed, prior to first sale, then it **must** be accompanied by a transport document.

A template document showing the **minimum requirements** for a transport document which when completed fully will ensure compliance with the regulations is available at:

www.gov.uk/government/publications/how-to-trace-weigh-and-distribute-fish-products

The only exemption to this requirement is if an electronic transport document has been submitted **prior** to transport.

Guidance on your obligations for completion of transport documents are available at:

www.gov.uk/government/publications/how-to-trace-weigh-and-distribute-fish-products/transport-documentation

To ensure compliance with traceability requirements, MMO officers may be making visits to RBS registered premises, and checks will be carried out on the suitability of the systems that are in place to comply.

Registration details

In accordance with the conditions of your registration, you are required to notify the MMO of any changes to the information supplied in your application within 28 days of the changes coming into effect.

Annex A shows the details that we currently hold for your registration. If there have been any changes please submit the form attached at Annex B to confirm that:

(a) changes are required in accordance with the information supplied in Annex B. (supporting documentation must be submitted where necessary)
; or

(b) You/your business are/is no longer trading or you do not trade in first sale fish and are therefore not required to be registered under this scheme

If your company has changed ownership please complete a new application which is available from our website.²

² <https://www.gov.uk/government/publications/buyers-and-sellers-of-first-sale-fish-and-submission-of-sales-notes>

If your details have changed and you fail to respond to this request your registration could be suspended.

Please respond with any changes by **31 July 2018** in order to ensure we have your current details for future correspondence.

Further details on the registration of buyers and sellers of first sale fish is available at:

www.gov.uk/government/publications/buyers-and-sellers-of-first-sale-fish-and-submission-of-sales-notes/buyers-and-sellers-of-first-sale-fish

Should you require a hard copy of any of the guidance or forms mentioned in this letter or further information please contact your local MMO office. The location of MMO offices and their contact details can be found at:

<https://www.gov.uk/government/organisations/marine-management-organisation>

Yours faithfully,

Name and details

Enclosures: Annex A: Current RBS registration details

Annex B: Notification of change to registration details

Annex A: Current RBS Registration Details

Registration

Registration No: **Registration Status:** **Approved** **Date:**

Registered Company/individual details

Title:

Company:

Address:

Telephone:

Email:

Contact for further correspondence

Title:

Address:

Telephone:

Email:

Location of Records

Address:

Telephone:

Annex B: Notification of Change of Registration Details

Confirmation

Please tick as appropriate:

(a) I confirm details in Annex A are correct

(a) The details in Annex A have changed and I have submitted Annex B with changes along with relevant supporting documents.

(b) I/we no longer trade in first sale fish and wish to be de-registered

Section A: Registration details

1. Title First name Surname

2. Company name

Company number VAT number

3. Address

4. Telephone number 5. Fax number

6. Email

7. Date of birth

Section B: Contact for further correspondence

1. Title First name Surname

2. Company name

3. Address

4. Telephone number 5. Fax number

6. Email

Section C: Address where records of transactions involving fish will be kept

If you cannot provide an address in the UK, you will be required to submit the records to the relevant fisheries departments once a year and within 28 days of a request from a marine enforcement officer.

1. Address

2. Telephone number 3. Fax number

If records will be held at more than one address you must provide all addresses (continue on a separate page if necessary).

* I / We enclose (* please delete as appropriate)

Proof of name – copy of current UK driving licence or passport

Proof of address – copy of a recent utility bill, bank statement or equivalent

Name

Signature

Date

Position

Please return to:

E-mail: rbs@marinemanagement.org.uk

Address: RBS, Compliance Assurance Team, Lancaster House, Hampshire Court, Newcastle, NE4 7YH.