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REGULATION (EEC) No 2455/70 OF THE COUNCIL

of 30 November 1970

determining common marketing standards for certain fresh or chilled fish

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2142/70[1] of 20 October 1970 on the common organisation of the market in fishery products, and in particular Article 2 (3) thereof;

Having regard to the proposal from the Commission;

Whereas Regulation No 2142/70/EEC provides for the possibility of determining common marketing standards; whereas the application of such standards should help to improve the quality of fish marketed and thus facilitate their sale;

Whereas, one way of improving quality is to prevent fish which is not of a given degree of freshness being marketed for human consumption;

Whereas, in almost all Member States engaged in sea fishing, fish which have been judged fit for human consumption under national regulations are offered for sale after grading for size, weight, presentation and other criteria; whereas fish are also graded according to degree of freshness;

Whereas the adoption of standards for certain products has assumed particular importance in view of the measures on the determination and formation of prices provided for in Regulation (EEC) No 2142/70; whereas the grading hitherto carried out at national level should therefore be standardised;

Whereas fish have hitherto been graded only before being sold for the first time since a large proportion of these fish are immediately filleted or otherwise processed; whereas application of common standards should therefore be limited to the first marketing stage in the Community;

Whereas the standards must apply to all fish, including imported fish, marketed on the territory of the Member States of the Community; whereas it seems necessary, however, to exclude certain direct sales of small quantities to retailers or consumers from their field of application; whereas grading should also be dispensed with for fish which are proved not to be intended for human consumption;

Whereas the ten species covered by this Regulation represent about 60% of Community production of fresh fish and 80% of imports from third countries; whereas priority should therefore be given to the adoption of standards for these species;

Whereas freshness is a decisive factor in assessing the quality of fish; whereas grading by size is also essential because of the diversity of consumers' buying habits and the processing methods normally used in the Community;

Whereas the varying degrees of freshness and differences in size must be adequately indicated; whereas it is advisable therefore to provide a limited, yet sufficient number of freshness and size categories;

Whereas there is at present no objective method of assessing the freshness of fish both rapidly and cheaply; whereas only organoleptic examination, which is, moreover, in use in Member States, meets this requirement and constitutes an acceptable method;

Whereas, in view of normal practice in most Member States, it is advisable that the industry should grade fish for freshness and size; whereas, with a view in particular to assessing freshness by organoleptic criteria, provision should be made for the collaboration of experts appointed for this purpose by the trade organisations concerned;

Whereas, in order to keep each other informed, each Member State should supply the other Member States and the Commission with a list of the names and addresses of the experts and trade organisations concerned;

[1] OJ No L 236, 27.10.1970, p. 5.

Whereas it is essential that fish imported from third countries should conform to Community standards;

Whereas the application of Community standards to these fish means that additional information must be given on packages; whereas, however, this information is not necessary in the case of fish landed in the Community from vessels under the same conditions as Community catches;

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation:

(a) 'marketing' means the first offering for sale and the first sale after arrival in the Community;

(b) 'lot' means a quantity of fish of the same species, which has been subjected to the same treatment and which may have come from the same fishing ground and the same boat;

(c) 'fishing ground' means the description usually given by the fishing industry to the place in which the catches have been made;

(d) 'presentation' means the form in which the fish is marketed, such as whole, gutted, headless, etc.

Article 2

1. The fish referred to in Article 3 which form part of Community catches may be marketed within the Community only if they comply with the provisions of this Regulation.

2. The fish referred to in Article 3 which are graded in Freshness Category C referred to in Article 6 may not be marketed for human consumption.

3. The provisions of this Regulation shall not, however, apply to:

(a) small quantities of fish disposed of by inshore fishermen direct to retailers or consumers;

(b) fish which the rightful owner can prove not to be for human consumption.

4. Detailed rules for the application of paragraphs 2 and 3 shall be adopted in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 2142/70.

Article 3

Marketing standards are hereby laid down for the following species of saltwater fish falling within heading No ex 03.01 B I of the Common Customs Tariff with the exception of fish which is live, frozen or in pieces.

Cod	(Gadus morrhua)
Coalfish	(Pollachius virens)
Haddock	(Melanogrammus aeglefinus)
Whiting	(Merlangius merlangus)
Plaice	(Pleuronectes platessa)
Redfish	(Sebastes marinus)
Mackerel	(Scomber scombrus)
Herring	(Clupea harengus)
Sardines	(Clupea pilchardus Walbaum)
Anchovies	(Engraulis encrasicholus).

Article 4

The marketing standards referred to in Article 3 shall comprise:

(a) freshness categories and

(b) size categories.

Article 5

The freshness category of each lot shall be determined on the basis of the freshness rating of the fish and a number of additional requirements.

The freshness rating shall be defined with the help of the scale set out in Annex A to this Regulation, which covers the following aspects:

(a) appearance

(b) condition

(c) smell

Each part examined shall be awarded marks corresponding to the freshness criteria indicated in the scale. The arithmetic mean of the marks awarded shall indicate the freshness rating.

Article 6

1. On the basis of the provisions of Article 5, fish shall be classified by lot in Freshness Category 'Extra', A, B or C.

Freshness Category 'Extra'

The freshness rating of the fish in this category shall be 2.7 and over. The fish must be free from pressure marks, injuries, blemishes and bad discoloration.

Freshness Category A

The freshness rating of fish in this category shall be 2 and over but less than 2.7. A very small proportion of fish with slight pressure marks and superficial injuries shall be tolerated. The fish must be free from blemishes and bad discoloration.

Freshness Category B

The freshness rating of fish in this category shall be 1 and over but less than 2. A very small proportion of fish with more serious pressure marks and slight injuries shall be tolerated. The fish must be free from blemishes and bad discoloration.

Freshness Category C

Fish not satisfying the requirements of freshness categories 'Extra', A and B shall be placed in this category.

2. When the products are being classified by freshness category the presence of parasites shall also be taken into consideration, allowance being made for the type of product, the fishing ground in which it was caught and its presentation.

Detailed rules for the application of this paragraph shall be adopted in accordance with the procedure laid down in Article 29 of Regulation No 2141/70. A decision to make an indication of the fishing ground compulsory for each lot may be taken in accordance with the same procedure.

Article 7

1. Each lot must contain products of the same degree of freshness. A small lot need not, however, be of uniform freshness; if it is not, the lot shall be placed in the lowest freshness category represented therein.

2. The freshness category must be clearly and indelibly marked in characters which are at least 5 cm high on labels affixed to the lots.

Article 8

1. Fish shall be sized by weight or by number per kilogramme.

2. Lots shall be placed in size categories in accordance with the scale set out in Annex B to this Regulation.

3. Each lot must contain fish of the same size. A small lot need not, however, be of uniform size; if it is not, the lot must be placed in the lowest size category represented therein.

4. The size category and presentation must be clearly and indelibly marked in characters which are at least 5 cm high on labels affixed to the lots.

Article 9

The industry shall grade fish for freshness and size in collaboration with experts appointed for that purpose by the trade organisations concerned.

Article 10

Not later than one month before this Regulation begins to apply, each Member State shall supply the other Member States and the Commission with a list of the names and addresses of the experts and trade organisations referred to in Article 9. The other Member States and the Commission shall be informed of any amendments to this list.

Article 11

1. The fish referred to in Article 3 imported from third countries may be put on the market in the Community only if:

(a) they comply with the provisions of Articles 4, 5, 6, 7 and 8;

(b) they are presented in packages on which the following information is clearly and legibly marked:

— country of origin, printed in Roman letters which are at least 20 mm high;

— species of fish;

— presentation;

— freshness and size categories;

— net weight in kg of the fish in the package;

— date of grading and date of dispatch;

— name and address of sender.

2. However, fish landed in a Community port direct from the fishing grounds from vessels flying the flag of a third country shall be subject, when put on the market, to the same provisions as those applicable to Community catches.

Article 12

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

The system provided for in this Regulation shall apply from 1 February 1971.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 November 1970.

For the Council

The President

H. D. GRIESAU

ANNEX A

FRESHNESS RATINGS

PARTS OF THE FISH INSPECTED	CRITERIA			
	Marks			
	3	2	1	0
	APPEARANCE			
SKIN	Bright, iridescent pigmentation; no discoloration; aqueous, transparent mucus	Pigmentation bright but not lustrous; slightly cloudy mucus	Pigmentation in the process of becoming discolored and dull; milky mucus	Dull[1] pigmentation; opaque mucus
EYE	Convex (bulging); transparent cornea; black, bright pupil	Convex and slightly sunken; slightly opalescent cornea; black, dull pupil	Flat; opalescent cornea; opaque pupil	Concave in[1] the centre; milky cornea; grey pupil
GILLS	Bright colour, no mucus	Less coloured; slight traces of clear mucus	Becoming discoloured; opaque mucus	Yellowish[1]; milky mucus
FLESH (cut from abdomen)	Bluish, translucent, smooth, shining; no change in original colour;	Velvety, waxy, dull; colour slightly changed	Slightly opaque	Opaque[1]
COLOUR ALONG THE VERTEBRAL COLUMN	Uncoloured	Slightly pink	Pink	Red[1]
ORGANS	Kidneys and residues of other organs should be bright red, as should the blood inside the aorta;	Kidneys and residues of other organs should be dull red; blood becoming discoloured	Kidneys, residues of other organs and blood should be pale red	Kidneys[1], residues of other organs and blood should be brownish in colour
	CONDITION			
FLESH	Firm and elastic; smooth surface	Less elastic	Slightly soft (flaccid), less elastic; waxy (velvety) and dull surface	Soft (flaccid)[1]; scales easily detached from skin, surface rather wrinkled, inclining to mealy
VERTEBRAL COLUMN	Breaks instead of coming away	Sticks	Sticks slightly	Does not stick[1]
PERITONEUM	Sticks completely to flesh	Sticks	Sticks slightly	Does not stick[1]
	SMELL			
GILLS, SKIN, ABDOMINAL CAVITY	Seaweed	No smell of seaweed or any bad smell	Slightly sour	sour[1]

1 Or in a more advanced state of decay.

ANNEX B

SIZING

kg/fish

	Cod	Coalfish	Haddock	Whiting
Size 1	7 and over	5 and over	1 and over	0·5 and over
Size 2	from 4 up to but excluding 7	from 3 up to but excluding 5	from 0·4 up to but excluding 1	from 0·35 up to but excluding 0·5
Size 3	from 2 up to but excluding 4	from 1·5 up to but excluding 3	from 0·25 up to but excluding 0·4	from 0·2 up to but excluding 0·35
Size 4	from 1 up to but excluding 2	less than 1·5	less than 0·25	less than 0·2
Size 5	less than 1			

kg/fish

	Plaice	Redfish	Mackerel
Size 1	0·6 and over	2 and over	0·5 and over
Size 2	from 0·4 up to but excluding 0·6	less than 2	from 0·2 up to but excluding 0·5
Size 3	from 0·3 up to but excluding 0·4		from 0·1 up to but excluding 0·2
Size 4	less than 0·3		less than 0·1

	Herring		Sardines	
	kg/fish	Number of fish to kg	kg/fish	Number of fish to kg
Size 1	0·125 and over	8 or less	0·060 and over	17 or less
Size 2	from 0·085 up to but excluding 0·125	from 9 to 12	from 0·040 up to but excluding 0·060	from 18 to 25
Size 3	less than 0·085	13 and over	from 0·030 up to but excluding 0·040	from 26 to 33
Size 4			less than 0·030	34 and over

	Anchovies	
	kg/fish	Number of fish to kg
Size 1	0·040 and over	25 or less
Size 2	from 0·020 up to but excluding 0·040	from 26 to 50
Size 3	less than 0·020	51 and over