EXPLANATORY MEMORANDUM TO

THE FISH LABELLING (AMENDMENT) REGULATIONS 2014

2014 No. 3104

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs (Defra) and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 These Regulations amend the Fish Labelling Regulations 2013("the 2013 Regulations") in order to provide a means of enforcing new EU legislation that requires consumers of fishery products to be provided with information at the point of retail. That information includes the commercial designation (approved fish name) and its scientific name, the production method, the area where the product has been caught and a previously frozen declaration.

3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]

3.1 None.

4. Legislative Context

4.1 Regulation (EC) No. 1379/2013 of the European Council and Parliament on the Common Organisation of the Market in fishery and aquaculture products ("the CMO") requires information about fishery and aquaculture products to be provided to consumers. These requirements are set out in Chapter IV of that Regulation.

4.2 The amendments to the Fish Labelling Regulations 2013 reflect these new requirements.

5. Territorial Extent and Application

5.1 This instrument extends to the United Kingdom in particular for the United Kingdom commercial designation of species. Part 3 of the 2013 Regulations which enforces the consumer information and traceability requirements applies in relation to England only.

5.2 Scotland, Wales and Northern Ireland will implement the consumer information

and traceability requirements through their own SIs in a way that delivers consistency at a UK level.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 The CMO is the EU's instrument for the management of the market in fishery and aquaculture products, and is a component of the Common Fisheries Policy ("CFP").

7.2 New requirements to provide the consumer with additional information on fishery aquaculture products at the retail stage have been introduced throughout the EU. These requirements are set out in the CMO and in the CFP Control Regulation. Provision must be made within domestic legislation to enforce those consumer information requirements, including providing the commercial designation and scientific name, the production method, the area where the product was caught and previously frozen declarations at the point of retail. Intervention is required to ensure that the market supplies the consumer with the required information, and to maintain consistency in how this is applied throughout the industry. Minimum EU requirements have not been exceeded.

8. Consultation outcome

8.1 A public consultation on the proposals to introduce these legislation provisions for the CMO was held from 31 March to 12 May 2014 inclusive. The consultation on the CMO was included in a package of CFP consultations together with those on implementing the pelagic landing (discard ban) in England; and the European Maritime and Fisheries Fund in the UK (2014-2020).

8.2 The consultation was circulated to a wide selection of stakeholders and industry with an interest in the proposals, in particular fisheries and aquaculture producer organisations, the fish catching sector, food and fish processors, food manufacturers, the retail sector, consumer groups, and Local Authorities involved in the enforcement of food labelling legislation. Only five responses were received and they fell generally into the following four themes:

- the fish labelling legislation guidance needed amending as well as the legislation;
- the labelling requirements in respect of catch and production areas also needed to be included in the labelling requirements;
- the Impact Assessment did not reflect the real financial impact on the retail sector; and

- the role and requirements of producer organisations in the implementation of the CMO [issues which were outside the scope of the consultation].

8.3 In its response and taking these responses into account, the Government reiterated that the approaches proposed were the least burdensome on those who will be affected. The Government also agreed with a number of respondents that fish labelling guidance would need amending.

9. Guidance

9.1 The appropriate bodies are in the process of amending the fish labelling guidance and making it public. Defra officials are also working with colleagues in the Welsh Government, Northern Irish Executive, enforcement agencies and stakeholders in developing the compliance notices and associated guidance to accompany them so that those stakeholders and businesses most impacted by the new requirements are fully aware of the relevant changes.

10. Impact

10.1 The impact on business, charities or voluntary bodies is moderate.

10.2 The impact on the public sector is negligible.

10.3 An Impact Assessment is attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk.

11. Regulating small business

11.1 The rules have to be applied to all businesses trading in fishery products in order for the benefits of traceability to be realised.

12. Monitoring & review

12.1 A report to review these Regulations must be published before the end of the period of 5 years beginning on the day on which these Regulations come into force.

13. Contact

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