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STATUTORY RULES OF NORTHERN IRELAND

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**2014 No. 287**

**FOOD**

**The Fish Labelling (Amendment)  
Regulations (Northern Ireland) 2014**

*Made - - - - 19th November 2014*

*Coming into operation 13th December 2014*

The Department of Health, Social Services and Public Safety<sup>(1)</sup> makes the following Regulations in exercise of the powers conferred by Articles 15(1), 16(2), 25(2), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991<sup>(2)</sup>, and paragraph 1A of Schedule 2 to the European Communities Act 1972<sup>(3)</sup>.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Health, Social Services and Public Safety that it is expedient for any references to the EU Regulations defined in regulation 2(2) to be construed as references to those EU Regulations as amended from time to time.

In accordance with Article 47(3A) of the Food Safety (Northern Ireland) Order 1991, it has had regard to relevant advice given by the Food Standards Agency.

There has been consultation as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(4)</sup>.

**Citation, commencement and interpretation**

1. (1) These Regulations may be cited as the Fish Labelling (Amendment) Regulations (Northern Ireland) 2014 and come into operation on 13th December 2014.

(2) The Interpretation Act (Northern Ireland) 1954<sup>(5)</sup> applies to these Regulations as it applies to an Act of the Assembly.

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(1) Formerly the Department of Health and Social Services; See [S.I. 1999/283 \(N.I.1\)](#) Article 3(6)  
(2) [S.I. 1991/762 \(N.I.7\)](#) as amended by [S.I. 1996/1663 \(N.I.12\)](#), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 [c.28](#) and S.R. 2004 Nos. 482 and 505  
(3) [1972 c.68](#). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 ([2006 c.51](#))  
(4) OJ No. L 31, 1.2.2002, p.1, as last amended by [Commission Regulation \(EC\) No 596/2009](#) of the European Parliament and of the Council (OJ No. L 188, 18.7.2009, p.14)  
(5) [1954 c. 33 \(NI\)](#)

## Amendments to the Fish Labelling Regulations (Northern Ireland) 2013

2. (1) The Fish Labelling Regulations (Northern Ireland) 2013<sup>(6)</sup> are amended in accordance with paragraphs (2) and (3).

(2) For regulation 2(1) (interpretation) substitute—

“2. (1) In these Regulations—

“the EU Regulations” means Regulation 1224/2009, Regulation 404/2011 and Regulation 1379/2013;

“the Order” means the Food Safety (Northern Ireland) Order 1991;

“Regulation 1224/2009” means Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy;

“Regulation 404/2011” means 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; and

“Regulation 1379/2013” means Regulation (EU) No. 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products.”.

(3) In regulation 3 (consumer information and traceability requirements)—

(a) in paragraph (1)(a), for “(4) to (7)” substitute “(6) and (7)”;

(b) for paragraph 2(a) substitute—

“(a) “(a) a requirement specified in Article 35 Regulation 1379/2013 (provision of consumer information) as read with Article 38 of that Regulation, and a requirement specified in Article 39(3) or (4) of Regulation 1379/2013, as read with paragraph (1) of that Article.”;

(c) in paragraph (3), for “and Article 67(1) to (3) and (5) to (13) of Regulation 404/2011” substitute “, Article 67(1) to (3) and (5) to (13) of Regulation 404/2011 and Articles 35(1) (c) and 38 of Regulation 1379/2013.”;

(d) omit paragraphs (4) and (5);

(e) for paragraph (6) substitute—

“(6) The requirement referred to in paragraph (2)(a) does not apply in the circumstances described in Article 35(4) of Regulation 1379/2013 as read with Article 58(8) of Regulation 1224/2009.”.

Sealed with the official seal of the Department of Health, Social Services and Public Safety on 19th November 2014.



*Julie Thompson*  
A senior officer of the Department of Health,  
Social Services and Public Safety

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Fish Labelling Regulations (Northern Ireland) 2013 (“the 2013 Regulations”) in order to provide for the enforcement of the consumer information requirements in Chapter IV of Regulation (EC) No. 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products (“Regulation 1379/2013”), as read with Council Regulation (EC) No. 1224/2009.

Regulation 2 makes a number of amendments to the 2013 Regulations. The effect of the amendments is as follows.

They remove references to, and the definitions of, EC Regulation No. 104/2000 and EC Regulation No. 2065/2001, which have been repealed by Regulation 1379/2013 and Commission Implementing Regulation (EU) No.1420/2013, respectively

It also provides that “a consumer information requirement” is a requirement specified in Article 35 of Regulation (EU) 1379/2013 (mandatory information to be provided to consumers) as read with Article 38 (indication of catch or production area) and Article 39 (provision of voluntary information) of that Regulation.

The information to be provided identifies species of fish on sale, and explains how the fish was produced and where it was caught. In addition it ensures that information voluntarily provided is clear and unambiguous and can be verified.

The definition of “traceability requirement” for the purposes of the 2013 Regulations is amended so as to take account of the requirement in Article 58(5) of Regulation (EC) No. 1224/2009, as amended by Article 45(2) of Regulation 1379/2013, to give the information required under Article 35 of Regulation 1379/2013; and an exemption from the traceability requirement is introduced in relation to the sale of small quantities of products directly from fishing vessels to consumers where the sale does not exceed the sterling equivalent of 50 euros per day.