



UPDATE BRIEF TO FFA MEMBERS

European Union New Labelling & Traceability Requirements

A Guideline for the Pacific Islands Seafood Industry



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Disclaimer

This brief Intends to inform interested parties informally on the upcoming changes in labeling and traceability requirements for Fish and Fishery Products destined to the E Market.

The brief is based on interpretations of the referenced EU legislation by the NZ Seafood Standards Council, as well as the author's understanding of the operations by importers and Border Inspection Post in the EU.

This advice is not to be taken as the official position or interpretation of the EU authorities.

*It is **strongly recommended** that the exporters check with your EU importer/agent sooner rather than later and at least at the point of confirming an order (or earlier) to determine what their expectations for labelling and provision of traceability information are, and communicate this to the CAs before you introduce changes to the present systems.*

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1. Scope & Purpose

New legislation has been introduced in the European Union that will impact on seafood labelling and traceability requirements across the seafood supply chain, from the point of harvest/capture through to retail sale. ***The new requirements take effect either at the end of this year (December 2014) or the beginning of next year (January 2015).***

Compliance to the EU legislation referred to in this guide is the responsibility of the EU Food Business Operator (EU FBO) or the EU Importer that is placing product on the market in the EU.

While the EU Control Regulation references the exclusion of product imported to the EU under the Catch Certification System, its Implementing Regulation does not. It refers to the inclusion of all fisheries and aquaculture product (under Chapter 3 and tariff headings 1604 and 1605).

The Implementing Regulation does exclude part of the labelling requirements for imported products excluded from the Catch Certification requirements (where as there is no mention of these exclusions in the Control Reg).

While these various exclusions exist in the legislation for imported product, it is highly likely that importers and their subsequent customers will expect the same labelling and traceability for all products in the market, regardless of whether they are imported or EU domestic sourced product. In addition, it is difficult to see how the EU FBO will be able to comply with this legislation unless the traceability system (and associated labelling) is introduced from the point of harvest/catch and continues through-out the supply chain.

The purpose of this guideline is to provide the FFA member countries seafood industry and Competent Authorities with information regarding the EU labelling and traceability requirements and to recommend best practices to manage labelling and traceability from harvest/catch to point of sale.

2. What does this mean for the PICs Seafood Industry?

While the Control Regulation references the exclusion of product imported to the EU under the Catch Certification System, the Implementing Regulation does not. It refers to the inclusion of all fisheries and aquaculture product (under Chapter 3 and tariff headings 1604 and 1605).

The Implementing Regulation does exclude part of the labelling requirements for imported products excluded from the Catch Certification requirements (where as there is no mention of these exclusions in the Control Reg).

While these various exclusions exist in the legislation for imported product, it is highly likely that importers and their subsequent customers will expect the same labelling and traceability for all products in the market, regardless of whether they are imported or EU domestic sourced product. In addition, it is difficult to see how the EU FBO will be able to comply with this legislation unless the traceability system (and associated labelling) is introduced from the point of harvest/catch and continues through-out the supply chain.

Regulation (EU) No 1379/2013, also explicitly states that it is necessary to ensure that imported products entering the Union market comply with the same requirements and marketing standards that Union producers have to comply with, and for certain aspects of labelling, the legislation specifically includes imported product.

Regulation 1169/2011 on the provision of food information to consumers contains labelling and information provisions and applies to all food intended for retail sale or to supply mass caterers.

3. EU Labelling and Traceability Legislation

The following is intended to be an outline of the current position but is in no way a definitive guide to the requirements of the law.

Legislation

The primary legislation that will have an impact includes:

The Common Fisheries Policy, including:

[Council Regulation \(EC\) No 1224/2009](#)

[Commission Implementing Regulation \(EU\) No 404/2011](#)

[Council Regulation \(EU\) No 1379/2013](#)

The provision of **food information to consumers**, including

[Regulation \(EU\) 1169/2011](#)

3.1.1 Common Fisheries Policy

The European Commission has established a comprehensive control regime across the whole chain of production through to retail sale for fisheries and aquaculture products placed on the European market. Regulations require traceability and labelling (or provision of information) for fisheries and aquaculture products, from catching/harvesting (i.e. from vessel/farm) to retail sale.

This is EU domestic legislation applying to seafood products placed on the European market and is the responsibility of the EU FBO or Importer to ensure compliance. With respect to the common fisheries policy legislation, there are some exemptions for product imported into the EU with Catch Certification.

However, it is probable importers will demand the same traceability and labelling (regardless of the exemptions) for all products they trade so they don't have to differentiate between products and origins.

It should also be noted that while there are a number of exemptions for product that is imported into the EU with Catch Certification (*or excluded from the Catch Certification requirements*), Regulation (EU) No 1379/2013, explicitly states that it is necessary to ensure that imported products entering the market comply with the same requirements and marketing standards that Union producers have to comply with, and for certain aspects of labelling, the legislation specifically includes imported product.

The following is an outline of the labelling (or information provision) and traceability requirements included in:

- Council Regulation (EC) No 1224/2009
- Commission Implementing Regulation (EU) No 404/2011
- Council Regulation (EU) No 1379/2013

Council Regulation (EC) No 1224/2009 (*Known as the Control Regulation*)

Compliance with the Rules of the Common Fisheries Policy

Article 58 – Traceability

1. All lots of fisheries and aquaculture products shall be traceable at all stages of production, processing and distribution, from catching or harvesting to retail stage.

2. Fisheries and aquaculture products placed on the market shall be adequately labelled to ensure traceability of each lot.
3. Lots of fisheries and aquaculture products may be merged or split only if it is possible to trace back to catching or harvesting.
4. Systems and procedures to be in place to identify one back and one up, i.e. the immediate supplier of the fisheries and aquaculture products and the immediate buyer (except if buyer is final consumer).
5. Minimum labelling and information for all lots:
 - a) Identification number of each lot
 - b) External identification number and name of fishing vessel or name of aquaculture production unit
 - c) The FAO alpha-3 code of each species (This is a 3 letter code assigned by FAO not to be confused with the fishing area, i.e. FAO 81)
 - d) The date of catches or the date of production
 - e) Quantity
 - f) Name and address of suppliers
 - g) The information to consumers is provided for in Article 35 of Regulation (EU) No 1379/2013. Article 35 of Regulation (EU) No 1379/2013 requires the following:
 - i. The commercial designation of the species and its scientific name;
 - ii. The production method, in particular by the following words "... caught ..." or "... caught in freshwater..." or "farmed..."
 - iii. The area where the product was caught or farmed, and the category of fishing gear used in capture of fisheries as laid down in the first column on Annex III to this regulation;
 - iv. Whether the product has been defrosted
 - v. The date of minimum durability, where appropriate

Note the requirement in point (d, iv above) (of Article 35) shall not apply to:

- Ingredients present in the final product;
 - Foods for which freezing is a technologically necessary step in the production process;
 - Fishery and aquaculture products previously frozen for health safety purposes, in accordance with Annex III, Section VIII, of Regulation (EC) No 853/2004;
 - Fishery and aquaculture products which have been defrosted before the process of smoking, salting, cooking, pickling, drying or a combination of any of those processes.
6. Points g) shall be available to the consumer at retail sale stage
 7. Points a) to f) shall not apply to fisheries and aquaculture products imported into the Community with a Catch Certificate (that assumes g) does applies to all fisheries and aquaculture products)

Commission Implementing Regulation (EU) No 404/2011 (Known as the Implementing Regulation)

Chapter 1 - Traceability

Article 66 - Definitions:

For the purposes of this Chapter, fisheries and aquaculture product means any product which fall under **Chapter 03** and with **Tariff headings 1604 and 1605**.

Article 67 – Information on Lots

1. Operators shall provide the information referred to in Article 58 (5) of the Control Reg, at the point when fisheries and aquaculture products are put into lots and no later than first sale.
2. In addition, operators shall update the relevant information referred to in Article 58 (5) of the Control Reg, which ensues from the merging or splitting of lots of fisheries and aquaculture products after first sale, at the stage when it becomes available.
3. In cases where fisheries and aquaculture products lots are merged (or split) and several fishing vessels or aquaculture production units are mixed, operators shall be able to identify each lot origin at least by means of their identification number (point 5 a) above) and be able to trace them back to the catching or harvesting stage.
4. Systems referred to in Article 58 (4) of the Control Reg shall allow operators to identify the immediate supplier (s), except if they are the final consumer, and the immediate buyer (s) of the fisheries and aquaculture products.
5. The information referred to in 5 a) – g) above (council reg 1224/2009) shall be provided by means of the labelling or packaging of the lot, or by means of a commercial document physically accompanying the lot. It may be affixed to the lot by way of an identification tool such as a code, barcode, electronic chip or similar device or marking system.
 - a) This information shall remain available at all stages of production, processing and distribution in such a way that any Member State competent authority can access it at any time.
6. Furthermore, this information shall be affixed by way an identification tool such as a code, barcode, electronic chip or similar device or marking system:
 - a) As from 1 January 2013, to fisheries subject to a multi-annual plan;
 - b) As from 1 January 2015, to all other fisheries and aquaculture products
7. If information is provided by way of a commercial document accompanying the lot, at least the identification number shall be affixed to the lot.
8. Identification tools such a code, barcode, electronic chip or similar device or marking system shall be developed on the basis of internationally recognised standards and specifications.
9. Information of Date of Catch (5 d above) may include several days or one period of time corresponding to several dates of catches.
10. Information on suppliers (5 f above) is the immediate supplier/s of the operator and may be provided by way of an identification mark.

Exemptions

11. This information
 - a) Identification number of each lot
 - b) External identification number and name of fishing vessel or name of aquaculture production unit

- c) The FAO alpha-3 code of each species
- d) The date of catches or the date of production
- e) Quantity
- f) Name and address of suppliers

Does not apply to:

- Imported fisheries and aquaculture product which are excluded from the Catch Certification requirements.
- Fisheries and aquaculture products caught or farmed in freshwater
- Ornamental fish, crustaceans and molluscs

12. This information:

- a) Identification number of each lot
- b) External identification number and name of fishing vessel or name of aquaculture production unit
- c) The FAO alpha-3 code of each species
- d) The date of catches or the date of production
- e) Quantity
- f) Name and address of suppliers
- g) The information to consumers is provided for in Article 35 of Regulation (EU) No 1379/2013.

Noting Article 35 of Regulation (EU) No 1379/2013 requires the following:

- a) The commercial designation of the species and its scientific name;
- b) The production method, in particular by the following words "... caught ..." or "... caught in freshwater..." or "farmed..."
- c) The area where the product was caught or farmed, and the category of fishing gear used in capture of fisheries as laid down in the first column on Annex III to this regulation;
- d) Whether the product has been defrosted
- h) The date of minimum durability, where appropriate

Does not apply to:

- Fisheries and aquaculture products falling under the Tariff headings 1604 and 1605

Article 68 – Information to the Consumer

The following information as identified in Article 58 (6) of the control regulation is required on the label or appropriate mark of the fisheries and aquaculture product offered for retail sale, including imported products:

Article 58 (6) of the control regulation has been replaced with:

Article 35 of Regulation (EU) No 1379/2013 requires the following:

- a) The commercial designation of the species and its scientific name;

- b) The production method, in particular by the following words “... caught ...” or “ ... caught in freshwater...” or “ farmed...”
- c) The area where the product was caught or farmed, and the category of fishing gear used in capture of fisheries as laid down in the first column on Annex III to this regulation;
- d) Whether the product has been defrosted
- e) The date of minimum durability, where appropriate

Article 68 – does not apply to product falling under Tariff heading 1604 and 1605

Regulation (EU) No 1379/2013 *Common organisation of the markets in fishery and aquaculture products*

Chapter IV – Consumer Information

Article 35 of Regulation (EU) No 1379/2013 requires the following:

Fishery and aquaculture products referred to in points (a), (b), (c) and (e) of Annex 1 (this can be found in Appendix 1 of this document) which are marketed within the union, irrespective of their origin or of their marketing method, may be offered for sale to the final consumer or mass caterer only if appropriate marking or labelling indicates:

- a) The commercial designation of the species and its scientific name;
- b) The production method, in particular by the following words “... caught ...” or “ ... caught in freshwater...” or “ farmed...”
- c) The area where the product was caught or farmed, and the category of fishing gear used in capture of fisheries as laid down in the first column on Annex III to this regulation (App 2 of this document);
- d) Whether the product has been defrosted
- e) The date of minimum durability, where appropriate

Notes

Mixed Product:

Where mixed product is offered for sale (to final consumer or mass caterer) that consists of the same species but which has been derived from different production methods, the method for each batch shall be stated.

Where mixed product is offered for sale (to final consumer or mass caterer) that consists of the same species but which has been derived from a variety of catch areas or fish-farming countries, at least the area of the batch which is most representative in terms of quantity shall be stated, together with an indication that the products also come from different catch or fish-farming areas.

The Category of Fishing Gear:

On a mandatory basis, if the product was caught by any of the 7 gear types listed in Annex III (Appendix 2 of this document), the gear type must be included on the label. You can add more detail as per column 2 and/or 4 of Annex III if you wish.

For other fishing techniques not covered by Annex III (e.g. hand gathering or diving), you are free to indicate the fishing technique used if you wish, provided that the information they provide is clear, unambiguous and verifiable.

Further Explanation

Labelling or Information Requirements	Further Detail
Identification number of each lot	A unique number be allocated to each lot.
External identification number and name of fishing vessel or name of aquaculture production unit	Name and number of the vessel or the marine farm lease/licence/permit number
The FAO alpha-3 code of each species	<p>This is a 3 letter code assigned by FAO. To find the correct code, there is a database which can be found here:</p> <p>http://termportal.fao.org/faoas/main/start.do</p> <p>Type the scientific name and click search, the 3-letter code can be found under Remarks</p>
The date of catches or the date of production	This is the catch or harvest date, it can include several days or one period of time corresponding to several dates of catches.
Quantity	Usually expressed as the net weight or where appropriate the number of individuals
Name and address of suppliers	This information may be provided by way of the identification mark, i.e. the approval number of the establishment
The commercial designation of the species and its scientific name;	The Common Name and Scientific Name of the species
The production method, in particular by the following words "... caught ..." or "... caught in freshwater..." or "farmed..."	<p>This is to identify if the product is wild caught or aquaculture, etc. <i>i.e. wild caught; or farmed; or caught in freshwater</i></p>
<p>The area where the product was caught or farmed, and the category of fishing gear used in capture of fisheries as laid down in the first column on Annex III to this regulation;</p> <p>See Appendix 2 (this guide) for further detail</p>	<p>This will most commonly be a reference to Pacific Ocean, FAO 81/71. If the product was caught by the act of fishing, information on the specified gear type is also required.</p> <p>It is possible to combine the production method, the area from which it was caught or farmed and the fishing gear in one sentence, e.g.</p> <ul style="list-style-type: none"> Wild Caught in Pacific Ocean, Area FAO 71 by Purse seine <p>Note – Gear Types: On a mandatory basis, if the product was caught by any of the 7 gear types listed in Annex III (Appendix 2 of this document) The gear type must be included on the label. You can add more detail as per column 2 and/or 4 of Annex III if you wish.</p> <p>For other fishing techniques not covered by Annex III (e.g. hand gathering or diving), you are free to indicate the fishing technique used if you wish, provided that the information they provide is clear, unambiguous and verifiable.</p>
Whether the product has been defrosted	This will only be relevant for any product that is sold to the EU in a chilled state that has previously been frozen and thawed
The date of minimum durability, where appropriate	This is likely to be a best before date for the majority of seafood products

3.1.2 Food Information for Consumers

In order to achieve a high level of health protection for consumers and to guarantee their right to information, Council Regulation (EU) 1169/2011, Provision of Food Information for Consumers was established. This regulation amends and repeals a number of existing regulations and is designed to provide a basis for consumers to make informed choices and to prevent practices that may mislead the consumer.

Regulation (EU) No 1169/2011 Provision of Food Information to Consumers

Article 1 – Subject Matter and Scope

3. This regulation shall apply to food businesses at all stages of the food chain, where their activities concern the provision of food information to consumers. It shall apply to all foods intended for the final consumer, including foods delivered by mass caterers, and foods intended to supply mass caterers.

Article 8 – Responsibilities

1. The food business operator (EU) or if the operator is not established in the European Union, then the importer is responsible for the food information.

Article 9 – Mandatory Particulars

1. Subject to the exceptions, the following particulars shall be mandatory:

- a) the name of the food
- b) the list of ingredients
- c) any ingredient or processing aid listed in Annex II or derived from substances listed in Annex II causing allergies or intolerances used in the manufacture or preparation of a food and is still present in the finished product
- d) the quantity of certain ingredients or categories of ingredients
- e) the net quantity
- f) the date of minimum durability or 'use by' date
- g) any special storage conditions and/or conditions of use
- h) the name or business name and address of the food business operator referred to in Article 8 (1)
- i) the country of origin or place of provenance where provided for in Article 26
- j) the instruction for use where it would be difficult to make appropriate use of the food in the absence of such instructions
- k) with respect to beverages containing more than 1.2 % alcohol, the alcoholic strength by volume
- l) a nutrition declaration (note requirement applies from 13 December 2016)

Note: In the case of pre-packed food, mandatory food information shall appear directly on the package or on a label attached to the pack.

Article 12 and 13: Provide detail on the availability, placement and presentation of mandatory information.

Article 17 – 28 Provide further detail on the mandatory information as required by Article 9 1. (a-k).

Article 30 – 35 Provides further detail on the mandatory nutritional information as required by Article 9 1. (I).

Article 53 – Repeal

2. Directives 87/250/EEC, 90/496/EEC, 1999/10/EC, 2000/13/EC, 2002/67/EC and 2008/5/EC and Regulation (EC) No 608/2004 are replaced as from 13 December 2014.

Article 54 – Transitional Measures

Food placed on the market or labelled prior to 13 December 2014 which does not comply with the requirements of this regulation may be marketed until the stocks of the foods are exhausted.

Food placed on the market or labelled prior to 13 December 2016 which do not comply with the requirement laid down in point (I) of Article 9 (1) (nutritional declarations) may be marketed until the stocks of the foods are exhausted.

Article 55 – Entry into force

This regulation shall apply from 13 December 2014 (with the exception of the transitional provisions outlined above).

Annex III

Foods for which the Labelling must include one or more Additional Particulars

(6) Frozen meat, frozen meat preparations and frozen unprocessed fishery products, must include:

The date of freezing or the date of first freezing in cases where the product has been frozen more than once, in accordance with point (3) of Annex X, this includes:

(a) it shall be preceded by the words 'Frozen on'

Following with the date itself or a reference to where the date is given on the labelling. The date shall consist of the day, the month and the year, in that order and in un-coded form.

Further Explanation

Labelling or Information Requirements	Further Detail
The name of the food	<p>This shall be the legal name of the food – for seafood this requirement should be met by inclusion of the common and scientific name of the species on the pack. The name shall also be accompanied by the physical condition of the food or treatment it has undergone (e.g. powdered, freeze-dried, quick frozen, smoked, etc) where its omission could mis-lead the purchaser.</p> <p>There are additional naming requirements for fishery products containing added proteins, added water (if more than 5% by weight of final product), and for formed fishery products. See Annex VI of Regulation (EU) 1169/2011</p>
The list of ingredients	<p>The list of ingredients shall include all ingredients in the food, in descending order of in going weight (m/m) weight at the time of production/processing. It shall be headed up by a suitable heading, i.e. Ingredients List</p> <p>Specific rules are found in Annex VII</p>
Any ingredient or processing aid listed in Annex II or derived from substances listed in Annex II causing allergies or intolerances used in the manufacture or preparation of a food and is still present in the finished product	Annex II of Regulation (EU) 1169/2011 includes substances which are considered allergenic or intolerant and these must be declared on the label (e.g in the ingredients list) if used and present in the finished food.
The quantity of certain ingredients or categories of ingredients	<p>The indication of the quantity of ingredient or category of ingredients is required if it appears in the name of the food, is usually associated with the name of the food, is emphasised on the labelling or is essential to characterise a food (unless it is a single ingredient food and that is included in its name)</p> <p>There are technical rules applying to this requirement and are found in Annex VIII of Regulation (EU) 1169/2011</p>
The net quantity	Net quantity is to be expressed in the most appropriate units of volume for liquids or units of mass for other products (i.e. grams or kilograms)
The date of minimum durability or 'use by' date	<p>The best before date shall be included unless food would be considered a danger to human health (i.e. unsafe) after a specified time in which case a 'use-by' date shall be applied.</p> <p>Annex X of Regulation (EU) 1169/2011 provides further detail</p>
Any special storage conditions and/or conditions of use	In cases where foods require special storage conditions or conditions of use, e.g keep chilled, keep frozen, specific cooking instructions, or storage/use of food after opening, these shall be included as appropriate
The name or business name and address of the food business operator referred to in Article 8 (1)	Article 8 (1) Refers to the food business operator responsible for the food information, is the operator under whose name or business name the food is marketed, or if that operator is not established in the European Union, the importer into the EU market.
The country of origin or place of provenance where provided for in Article 26	<p>This is mandatory where failure to indicate it might mislead the consumer, particularly if other labelling or information accompanying the food would imply a different origin or place of provenance.</p> <p>For example, PNG caught product that is sent to Philipines for processing prior to export to the EU. This should be identified as:</p> <p>Product of Philipines, Origin PNG (or similar wording).</p> <p>Product that is caught on a Fiji flagged vessel, processed in Fiji and then exported directly to the EU would be: Product of Fiji</p>
The instruction for use where it would be difficult to make appropriate use of the food in the absence of such instructions	The instructions for use shall be included if necessary to enable appropriate use of the food.

With respect to beverages containing more than 1.2 % alcohol, the alcoholic strength by volume	Not likely to apply to seafood
A nutrition declaration (note requirement applies from 13 December 2016)	<p>The detailed requirements for nutrition declarations are outlined in Article 30 – 35, Annex I and Annex XIII of Regulation (EU) 1169/2011. These requirements come into force for products labelled on or after 13 December 2016.</p> <p>There are foods which are exempted from the mandatory nutrition declaration requirements, including unprocessed products that comprise a single ingredient. Details are found in Annex V.</p>
With respect to frozen unprocessed fishery products	<p>The date of freezing or the date of first freezing in cases where the product has been frozen more than once.</p> <p>The wording shall say:</p> <p>‘Frozen on’ Followed by the date of first freezing, the date shall be dd/mm/yy in that order and in un-coded form.</p>

3.3 Summary of All Requirements

Information Required	Provision Options	Legislation Ref:	Exemptions/Exclusions
Identification number of each lot	On label, printed on pack or by commercial documentation physically accompanying the product On 1 Jan 2015 this information must be electronically affixed by way of an identification code, barcode, electronic chip	1224/2009 Article 58, 5 (a) 404/2011 Article 67 & 68	Excludes products under tariff headings 1604 & 1605 Currently product imported under Catch Certification or specifically excluded from Catch Certification requirements are exempt. <i>However – it is recommended to include this information on labels and electronically in bar codes</i>
External identification number and name of fishing vessel or name of aquaculture production unit	On label, printed on pack or by commercial documentation physically accompanying the product On 1 Jan 2015 this information must be electronically affixed by way of an identification code, barcode, electronic chip	1224/2009 Article 58, 5 (b) 404/2011 Article 67 & 68	Excludes products under tariff headings 1604 & 1605 Currently product imported under Catch Certification or specifically excluded from Catch Certification requirements are exempt. <i>However – it is recommended to include this information on labels and electronically in bar codes</i>
The FAO alpha-3 code of each species	On label, printed on pack or by commercial documentation physically accompanying the product On 1 Jan 2015 this information must be electronically affixed by way of an identification code, barcode, electronic chip	1224/2009 Article 58, 5 (c) 404/2011 Article 67 & 68	Excludes products under tariff headings 1604 & 1605 Currently product imported under Catch Certification or specifically excluded from Catch Certification requirements are exempt. <i>However – it is recommended to include this information on labels and electronically in bar codes</i>

Information Required	Provision Options	Legislation Ref:	Exemptions/Exclusions
The date of catches or the date of production	On label, printed on pack or by commercial documentation physically accompanying the product On 1 Jan 2015 this information must be electronically affixed by way of an identification code, barcode, electronic chip	1224/2009 Article 58, 5 (d) 404/2011 Article 67 & 68	Excludes products under tariff headings 1604 & 1605 Currently product imported under Catch Certification or specifically excluded from Catch Certification requirements are exempt. <i>However – it is recommended to include this information on labels and electronically in bar codes</i>
Quantity (see requirements for provision of net quantity below)	On label, printed on pack or by commercial documentation physically accompanying the product On 1 Jan 2015 this information must be electronically affixed by way of an identification code, barcode, electronic chip	1224/2009 Article 58, 5 (e) 404/2011 Article 67 & 68	Excludes products under tariff headings 1604 & 1605 Currently product imported under Catch Certification or specifically excluded from Catch Certification requirements are exempt. <i>However – it is recommended to include this information on labels and electronically in bar codes</i>
Name and address of suppliers	On label, printed on pack or by commercial documentation physically accompanying the product On 1 Jan 2015 this information must be electronically affixed by way of an identification code, barcode, electronic chip	1224/2009 Article 58, 5 (f) 404/2011 Article 67 & 68	Excludes products under tariff headings 1604 & 1605 Currently product imported under Catch Certification or specifically excluded from Catch Certification requirements are exempt. <i>However – it is recommended to include this information on labels and electronically in bar codes</i>

Information Required	Provision Options	Legislation Ref:	Exemptions/Exclusions
The commercial designation of the species and its scientific name;	Must be label or printed on pack (for product packed from 13 Dec 2014) On 1 Jan 2015 this information must be electronically affixed by way of an identification code, barcode, electronic chip	1224/2009 Article 58, 5 (g) 1379/2013 Article 35 404/2011 Article 68	1379/2013 Article 35 Applies to imported product from the following in CN Code 0301, 0302, 0303, 0304, 0305, 0306, 0307 and 1212 20 00
The production method, in particular by the following words "... caught ..." or "... caught in freshwater..." or "farmed..."	Must be label or printed on pack (for product packed from 13 Dec 2014) On 1 Jan 2015 this information must be electronically affixed by way of an identification code, barcode, electronic chip	1224/2009 Article 58, 5 (g) 1379/2013 Article 35 404/2011 Article 68	1379/2013 Article 35 Applies to imported product from the following in CN Code 0301, 0302, 0303, 0304, 0305, 0306, 0307 and 1212 20 00
The area where the product was caught or farmed, and the category of fishing gear used in capture of fisheries as laid down in the first column on Annex III to this regulation;	Must be label or printed on pack (for product packed from 13 Dec 2014) On 1 Jan 2015 this information must be electronically affixed by way of an identification code, barcode, electronic chip	1224/2009 Article 58, 5 (g) 1379/2013 Article 35 404/2011 Article 67 & 68	1379/2013 Article 35 Applies to imported product from the following in CN Code 0301, 0302, 0303, 0304, 0305, 0306, 0307 and 1212 20 00
Whether the product has been defrosted	Must be label or printed on pack (for product packed from 13 Dec 2014) On 1 Jan 2015 this information must be electronically affixed by way of an identification code, barcode, electronic chip	1224/2009 Article 58, 5 (g) 1379/2013 Article 35 404/2011 Article 67 & 68	1379/2013 Article 35 Applies to imported product from the following in CN Code 0301, 0302, 0303, 0304, 0305, 0306, 0307 and 1212 20 00

Information Required	Provision Options	Legislation Ref:	Exemptions/Exclusions
The date of minimum durability, where appropriate	Must be label or printed on pack (for product packed from 13 Dec 2014) On 1 Jan 2015 this information must be electronically affixed by way of an identification code, barcode, electronic chip	1224/2009 Article 58, 5 (g) 1379/2013 Article 35 404/2011 Article 67 & 68	1379/2013 Article 35 Applies to imported product from the following in CN Code 0301, 0302, 0303, 0304, 0305, 0306, 0307 and 1212 20 00
The name of the food (note will probably be covered as part of species)	Must be label or printed on pack (for product packed from 13 Dec 2014)	1169/2011 Article 9, 1 (a)	Applies to all food intended for retail sale or to supply mass caterers, no exemptions
The list of ingredients	Must be label or printed on pack (for product packed from 13 Dec 2014)	1169/2011 Article 9, 1 (b)	Applies to all food intended for retail sale or to supply mass caterers, no exemptions
Any ingredient or processing aid listed in Annex II or derived from substances listed in Annex II causing allergies or intolerances used in the manufacture or preparation of a food and is still present in the finished product	Must be label or printed on pack (for product packed from 13 Dec 2014)	1169/2011 Article 9, 1 (c)	Applies to all food intended for retail sale or to supply mass caterers
The quantity of certain ingredients or categories of ingredients	Must be label or printed on pack (for product packed from 13 Dec 2014)	1169/2011 Article 9, 1 (d)	Applies to all food intended for retail sale or to supply mass caterers
The net quantity	Must be label or printed on pack (for product packed from 13 Dec 2014)	1169/2011 Article 9, 1 (e)	Applies to all food intended for retail sale or to supply mass caterers
Date of minimum durability or the 'use by date'(note could already be covered as per above)	Must be label or printed on pack (for product packed from 13 Dec 2014)	1169/2011 Article 9, 1 (f)	Applies to all food intended for retail sale or to supply mass caterers

Information Required	Provision Options	Legislation Ref:	Exemptions/Exclusions
Any special storage conditions and/or conditions of use	Must be label or printed on pack (for product packed from 13 Dec 2014)	1169/2011 Article 9, 1 (g)	Applies to all food intended for retail sale or to supply mass caterers
the name or business name and address of the food business operator referred to in Article 8 (1) (the importer or EU company marketing the product)	Must be label or printed on pack (for product packed from 13 Dec 2014)	1169/2011 Article 9, 1 (h)	Applies to all food intended for retail sale or to supply mass caterers
The country of origin or place of provenance where provided for in Article 26 (i.e product of PNG)	Must be label or printed on pack (for product packed from 13 Dec 2014)	1169/2011 Article 9, 1 (i)	Applies to all food intended for retail sale or to supply mass caterers
the instruction for use where it would be difficult to make appropriate use of the food in the absence of such instructions	Must be label or printed on pack (for product packed from 13 Dec 2014)	1169/2011 Article 9, 1 (j)	Applies to all food intended for retail sale or to supply mass caterers
A nutrition declaration (note requirement applies from 13 December 2016)	Must be label or printed on pack (for product packed from 13 Dec 2016)	1169/2011 Article 9, 1 (l)	Applies to all food intended for retail sale or to supply mass caterers
<p>The date of freezing or the date of first freezing in cases where the product has been frozen more than once.</p> <p>The wording shall say:</p> <p>‘Frozen on’ Followed by the date of first freezing, the date shall be dd/mm/yy in that order and in un-coded form.</p>	Must be label or printed on pack (for product packed from 13 Dec 2014)	1169/2011 Annex III	<p>Applies to frozen unprocessed fishery products</p> <p>Defined as:</p> <p>foodstuffs that have not undergone processing, and includes products that have been divided, parted, severed, sliced, boned, minced, skinned, ground, cut, cleaned, trimmed, husked, milled, chilled, frozen, deep-frozen or thawed.</p> <p>And; Where food is made from raw materials with different dates of freezing, the oldest date of freezing must be use.</p>

4. Traceability

Traceability refers to the ability to trace goods along the supply chain. It requires critical information to be linked with the physical flow of product. Traditionally this has been provided by a combination of physical labelling on the packaging and associated documentation supplied with the product.

The traceability system required depends on the reason for which you are implementing it. Traditionally traceability systems in the seafood industry have been required for food safety. This has meant that companies have systems in place to identify the source of the product and to whom it was supplied, i.e. the traditional one-up and one-down.

Introduction of new European legislation and with a number of other countries reviewing their own traceability requirements means that processors and exporters supplying seafood to the European market may need to reconsider the traceability systems used in practice – the EU will require product in market to be traceable back to its catching or harvesting event (although this is already in place for aquaculture shellfish).

European legislation, Council Regulation (EC) No 1224/2009, Article 58 (1) states that all lots of fisheries and aquaculture products shall be traceable at all stages of production, processing and distribution from catching or harvesting to retail stage.

While it is the EU FBO or EU Importer placing the product on the market that is ultimately responsible for complying with this new legislation, it is difficult to see how this can be done without its suppliers implementing traceability systems. Again the advice is to check with your importer/agent to determine what they will require.

However the following provides some guidance on how traceability systems can be introduced should seafood companies wish or need to do so.

4.1 Key Data Elements and Critical Tracking Events

Critical Tracking Events (CTEs) are described as those **events** that must be recorded in order to allow for effective traceability of products in the supply chain, these are the instances where product is moved between premises, is transformed, or is otherwise determined to be a point where data capture is necessary to trace a product. Key Data Elements (KDEs) is the **information or data** that needs to be captured as part of the CTE and which is used to support product tracing. KDEs for seafood will include information such as:

- Identity of the vessel that caught the product
- Identity of the marine farm from where the product was harvested
- Dates of catch or harvest
- Lot numbers allocated to incoming product
- Identity of the premise that received, processed or stored the product
- Amounts of product processed or shipped

The traceability system described in this guide relies on a combination of human readable data (i.e. labelling), electronically encoded data, and standardised electronic exchange of information, provided across the supply chain.

4.2 Practical Considerations for Traceability

Companies will have various traceability systems already in place. The following is an outline of things that may need to be considered, if not already done so.

For most seafood products, details of the catch event may not be recorded on pack in sufficient detail to meet the new EU requirements. It is highly likely therefore that a lot or batch identification system will need to be introduced to meet the new traceability demands. Product will need to be allocated an individual lot number which is specific enough to allow traceability back to the catching event, this would either allocated by vessel per trip (i.e all the species from one vessel, from one trip were allocated an individual lot number) or could be by the individual species per vessel per trip. This Lot Number would then be used on all packs of that product. Regardless, associated with the lot number, the following information will need to be captured:

- Species
- Vessel name and registration number; or marine farm number
- Catch or harvest date (or catch date range)
- Gear type (for wild catch)
- Catch Area
- Date of first freezing (for frozen product)

Consideration will need to be given to when and how lots are identified. For product caught by an inshore vessel (where only minimal processing and no packing occurs), it is likely that the 'lot' will be allocated by the first receiver or processor. For products that are caught by a Freezer Vessel, and are processed (either partly or fully) and packed on board – the lot identification may be allocated by the vessel or by the processor.

The EU legislation states the following regarding mixed product:

- In cases where fisheries and aquaculture products lots are merged (or split) and several fishing vessels or aquaculture production units are mixed, operators shall be able to identify each lot origin at least by means of their identification number (the lot ID) and be able to trace them back to the catching or harvesting stage.
- Where mixed product is offered for sale that consists of the same species but which has been derived from different production methods, the method for each batch shall be stated.
- Where mixed product is offered for sale that consists of the same species but which has been derived from a variety of catch areas or fish-farming countries, at least the area of the batch that is most representative in terms of quantity shall be stated, together with an indication that the products also come from different catch or fish-farming areas.

It is therefore possible to mix lots of product providing the 3 conditions above are met. However, it is recommended that where possible – lots should be processed and packed so that lot separation is maintained.

5. Definitions

The following definitions may be of assistance with regards to the interpretation of these requirements.

Lot (Reg 1224/2009)

A 'lot' is defined as a quantity of fisheries and aquaculture 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 vessels or the same aquaculture production unit.

Mass Caterers (Reg 1169/2011)

Refers to establishments (including a vehicle or fixed or mobile stall) such as restaurants, canteens, schools, hospitals and catering enterprises in which in the course of a business, food is prepared to be ready for consumption by the final consumer.

Pre-packed Food (Reg 1169/2011)

Means any single item for presentation as such to the final consumer and to mass caterers, consisting of a food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging; pre-packed food does not cover foods packed on the sales premises at the consumer's request of prepacked for direct sale.

Place of Provenance (Reg 1169/2011)

Means any place where a food is indicated to come from, and that is not the 'country of origin' as determined in accordance with Articles 23 to 26 of Regulation EEC No 2913/92; the name, business name or address of the food business operator on the label shall not constitute an indication of the country of origin or place of provenance of food within the meaning of this regulation.

Unprocessed products (Reg 852/2004)

Means foodstuffs that have not undergone processing, and includes products that have been divided, parted, severed, sliced, boned, minced, skinned, ground, cut, cleaned, trimmed, husked, milled, chilled, frozen, deep-frozen or thawed.

Date of Production (Reg 16/2012)

Date of production refers to the date of harvesting or catching, in the case of fishery products.

6. Appendixes

Appendix 1: Annex I of Regulation EU NO 1379/2013;

FISHERY AND AQUACULTURE PRODUCTS COVERED BY THE CMO

CN code	Description of the goods	
(a)	0301	Live fish
	0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304
	0303	Fish, frozen, excluding fish fillets and other fish meat of heading 0304
	0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen
(b)	0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption
(c)	0306	Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of crustaceans, fit for human consumption
	0307	Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine; flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption
(d)		Animal products not elsewhere specified or included; dead animals of Chapter 1 or 3, unfit for human consumption
		– Other:
		– – Products of fish or crustaceans, molluscs or other aquatic invertebrates; dead animals of Chapter 3:
	0511 91 10	– – – Fish waste
	0511 91 90	– – – Other
(e)	1212 20 00	– Seaweeds and other algae
(f)		Fats and oils and their fractions, of fish, whether or not refined, but not chemically modified:
	1504 10	– Fish-liver oils and their fractions
	1504 20	– Fats and oils and their fractions, of fish, other than liver oils
(g)	1603 00	Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates

(h)	1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs
(i)	1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved
(j)		Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared
	1902 20	– Stuffed pasta, whether or not cooked or otherwise prepared:
	1902 20 10	– – Containing more than 20 % by weight of fish, crustaceans, molluscs or other aquatic invertebrates
(k)		Flours, meals and pellets, of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption; greaves:
	2301 20 00	– Flours, meals and pellets, of fish or of crustaceans, molluscs or other aquatic invertebrates
(l)		Preparations of a kind used in animal feeding
	2309 90	– Other:
	ex 2309 90 10	– – Fish solubles

Appendix 2: Annex III of Regulation EU NO 1379/2013;**INFORMATION ON FISHING GEAR**

Mandatory information on the category of fishing gear	More detailed information on corresponding gears and codes, in accordance with Commission Regulation (EC) No 26/2004 and Commission Implementing Regulation (EU) No 404/2011 (2)	
Seines	Beach seines	SB
	Danish seines	SDN
	Scottish seines	SSC
	Pair seines	SPR
Trawls	Beam trawls	TBB
	Bottom otter trawls	OTB
	Bottom pair trawls	PTB
	Midwater otter trawls	OTM
	Pelagic pair trawls	PTM
	Otter twin trawls	OTT
Gillnets and similar nets	Set (anchored) gillnets	GNS
	Driftnets	GND
	Encircling gillnets	GNC
	Trammel nets	GTR
	Combined trammel and gillnets	GTN
Surrounding nets and lift nets	Purse seines	PS
	Lampara nets	LA
	Boat operated lift nets	LNB
	Shore-operated stationary lift nets	LNS
Hooks and lines	Hand lines and pole lines (hand operated)	LHP
	Hand lines and pole lines (mechanised)	LHM
	Set longlines	LLS
	Longlines (drifting)	LLD
	Troll lines	LTL
Dredges	Boat dredges	DRB
	Hand dredges used on board a vessel	DRH
	Mechanised dredges including suction dredges	HMD
Pots and traps	Pots (traps)	FPO