

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. (W.)

FOOD, WALES

**The Fish Labelling (Wales)
(Amendment) Regulations 2006**

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply to Wales amend the Fish Labelling (Wales) Regulations 2003 (“the principal Regulations”) which provide for the execution and enforcement of Title 1, Chapter 2 of Council Regulation (EC) 104/2000 on the common organisation of the markets in fishery and aquaculture products as applied by Commission Regulation (EC) 2065/2001 laying down detailed rules on the application of Council Regulation (EC) 104/2000 as regards informing consumers about fishery and aquaculture products.

2. The Regulations —

(a) amend regulation 4(2) of the principal Regulations by providing that commercial designations accepted in other Member States are names prescribed by law (*regulation 2(a)*);

(b) replace the Schedule to the principal Regulations (which provides a list of commercial designations for the species of sea fish, salmon and freshwater fish and shellfish listed therein) with the Schedule to these Regulations. The new Schedule includes a number of insertions and amendments (*regulation 2(b)*).

1. A regulatory appraisal has been prepared and placed in the Library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.

2006 No. (W.)

FOOD, WALES

**The Fish Labelling (Wales)
(Amendment) Regulations 2006**

Made 2006

Coming into force 24 May 2006

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by sections 16(1)(e) and (f), 17(2), 26(3) and 48(1) of the Food Safety Act 1990(1) and now vested in it(2).

In accordance with section 48(4A) of that Act, it has had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(3) 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, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title, commencement and application

1. The title of these Regulations is the Fish Labelling (Wales) (Amendment) Regulations 2006, will come into force on 24 May 2006 and apply in relation to Wales.

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- (1) 1990 c. 16; section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990.
- (2) Functions formerly exercisable by “the Secretary of State” so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the Food Standards Act 1999 (1999 c.28).
- (3) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).

Amendment of the Fish Labelling (Wales) Regulations 2003

2. The Fish Labelling (Wales) Regulations 2003⁽¹⁾ are amended as follows —

(a) at the end of regulation 4(2) insert —

“and shall be names prescribed by law for the purposes of paragraph (1).”; and

(b) for the Schedule substitute the contents of the Schedule to these Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽²⁾

Date

The Presiding Officer of the National Assembly

⁽¹⁾ S.I. 2003/1635 (W.177).

⁽²⁾ 1998 c. 38.

SCHEDULE

Regulation 2(b)

“SCHEDULE

Regulation 4

COMMERCIAL DESIGNATIONS

1. Subject to paragraphs 2 and 3, the commercial designation for any species of fish specified in column 2 of the following Table shall be a name specified for that species in the corresponding entry in column 1.

2. A customary name may be used for any species of fish which has been subjected to smoking or any similar process, unless the name of the species in column 2 of the Table is followed by an asterisk. In such cases the name used for the food when the fish is smoked shall be either —

- (a) a name specified for that species in column 1 of the said Table preceded by the word “smoked”; or
- (b) except in the case of *Salmo salar* (L.), “smoked Pacific salmon”.

3. Paragraph 1, as read with the Table, shall not apply to fish regulated by Council Regulation (EEC) No. 2136/89(1) as amended by Commission Regulation (EC) No. 1181/2003(2) laying down common marketing standards for preserved sardines, or Council Regulation (EEC) No. 1536/92(3) laying down common marketing standards for preserved tuna and bonito.

<i>Column 1</i> <i>Commercial designation</i>	<i>Column 2</i> <i>Species of fish</i>
Sea Fish	
Anchovy	All species of the family <i>Engraulidae</i>
Argentines	All species of the family <i>Argentinidae</i>
Barracuda	All species of <i>Sphyraena</i>
Barramundi	<i>Lates calcarifer</i>
Bass or Sea bass	<i>Dicentrarchus labrax</i> (L.)
Japanese sea bass	<i>Lateolabrax japonicus</i>

(1) OJ No. L212, 22.7.89, p.79.

(2) OJ No. L165, 3.7.2003, P.17.

(3) OJ No. L163, 17.6.92, p.1.

<i>Column 1 Commercial designation</i>	<i>Column 2 Species of fish</i>
Spotted sea bass	<i>Dicentrarchus punctatus</i>
Southern rock bass	<i>Paralabrax callaensis</i>
Bigeye	All species of <i>Priacanthus</i>
Bluefish or Tailor	<i>Pomatomus saltatrix</i>
Bogue	<i>Boops boops</i>
Bonito	All species of <i>Sarda</i> All species of <i>Euthynnus</i> , with the exception of <i>Euthynnus (Katsuwonus)</i> <i>pelamis</i> All species of <i>Auxis</i>
Brill	<i>Scophthalmus rhombus</i> (L.)
Brisling	<i>Sprattus sprattus</i> (L.) when canned
Catfish or Rockfish or Wolffish	All species of <i>Anarhichas</i>
Sea catfish	All species of the family <i>Ariidae</i>
Cobia	<i>Rachycentron canadum</i>
Cod or Codling	<i>Gadus morhua</i>
Pacific cod or Cod	<i>Gadus macrocephalus</i>
Greenland cod or Cod	<i>Gadus ogac</i>
Saffron cod	<i>Eleginus gracilis</i>
Red cod	<i>Pseudophycis bachus</i>
Blue cod	<i>Parapercis colias</i>
Coley or Saithe or Coalfish	<i>Pollachius virens</i> (L.)
Conger	All species of <i>Conger</i>
Croaker or Drum or Jewfish	All species of the family <i>Sciaenidae</i> Alternatively, the following may be used
Southern meagre or Mulloway	<i>Argyrosomus hololepidotus</i>
Meagre	<i>Argyrosomus regius</i>
Dab	<i>Limanda limanda</i> (L.)
Yellowtail dab or Yellowtail flounder	<i>Limanda ferruginea</i>
Pacific sand dab	<i>Citharichthys sordidus</i>
Yellowfin sole	<i>Limanda aspera</i>
Dogfish or Flake or Huss or Rigg or Rock Salmon or Rock Eel	All species of <i>Galeorhinus</i> All species of <i>Mustelus</i> All species of <i>Scyliorhinus</i> <i>Galeus melastomus</i> <i>Squalus acanthias</i> (L.)
Silky shark or Shark	<i>Carcharhinus falciformis</i>

<i>Column 1 Commercial designation</i>	<i>Column 2 Species of fish</i>
Blacktip shark or Shark	<i>Carcharhinus limbatus</i>
Sandbar shark or Shark	<i>Carcharhinus plumbeus</i>
Basking shark or Shark	<i>Cetorhinus maximus</i>
Shortfin mako or Shortfin mako shark or Shark	<i>Isurus oxyrinchus</i>
Porbeagle or Shark	<i>Lamna nasus</i>
Blue shark or Shark	<i>Prionace glauca</i>
Whale shark or Shark	<i>Rhincodon typus</i>
Dory or John Dory or St Peter's fish	<i>Zeus faber</i> (L.)
Eel	All species of <i>Anguilla</i>
Emperor	All species of <i>Lethrinus</i>
Escolar or Snake Mackerel	All species of the family <i>Gempylidae</i>
Flounder	<i>Platichthys flesus</i> (L.)
Speckled flounder	<i>Paralichthys woolmani</i>
Arrowtooth flounder	<i>Atheresthes stomias</i>
Flying fish	All species of the family <i>Exocoetidae</i>
Garfish	<i>Belone belone</i>
Greenling	<i>Ophiodon elongatus</i>
Groupers	All species of <i>Mycteroperca</i> All species of <i>Epinephelus</i>
Gurnard	All species of the family <i>Triglidae</i> <i>Peristedion cataphractum</i> (L.)
Haddock	<i>Melanogrammus aeglefinus</i> (L.)
Hake Cape hake	All species of <i>Merluccius</i> Alternatively, the following may be used <i>Merluccius capensis</i> <i>Merluccius paradoxus</i>
White hake	<i>Urophycis tenuis</i>
Halibut	<i>Hippoglossus hippoglossus</i> (L.) <i>Hippoglossus stenolepis</i>
Greenland halibut or Black halibut or Mock halibut	<i>Reinhardtius hippoglossoides</i> (Walbaum)
Herring	<i>Clupea harengus</i> (L.)
Hilsa	<i>Tenualosa ilisha</i>
Hoki	<i>Macruronus novaezelandiae</i>
Chilean hoki	<i>Macruronus magellanicus</i>

<i>Column 1 Commercial designation</i>	<i>Column 2 Species of fish</i>
Indian mackerel	All species of <i>Rastrelliger</i>
Jack or Scad or Horse Mackerel or Trevally	All species of <i>Caranx</i> All species of <i>Hemicaranx</i> All species of <i>Seriola</i> All species of <i>Trachurus</i> All species of <i>Decapterus</i> Alternatively, the following may be used
Yellowtail or Amberjack	<i>Seriola lalandi</i>
Kingclip	<i>Genypterus capensis</i>
Ladyfish	All species of the family <i>Elopidae</i>
Leerfish	<i>Lichia amia</i>
Ling	All species of <i>Molva</i> except <i>Molva dypterygia</i>
Blue ling	<i>Molva dypterygia</i>
Lumpfish or Lumpsucker	<i>Cyclopterus lumpus</i>
Mackerel	All species of <i>Scomber</i>
King Mackerel or Kingfish	<i>Scomberomorus cavalla</i>
Sierra mackerel or Pacific sierra	<i>Scomberomorus sierra</i>
Mahi Mahi	<i>Coryphaena hippurus</i>
Marlin	All species of <i>Makaira</i>
Megrin	All species of <i>Lepidorhombus</i>
Milkfish	<i>Chanos chanos</i>
Monk (fish) or Angler (fish)	<i>Lophius piscatorius</i> (L.) <i>Lophius americanus</i> <i>Lophiodes caulinaris</i> <i>Lophius budegassa</i>
Cape monk (fish) or Cape angler (fish)	<i>Lophius vomerinus</i>
Pacific monk (fish) or Pacific angler (fish)	<i>Lophius litulon</i>
Red mullet or Goatfish	All species of the family <i>Mullidae</i>
Grey mullet	All species of the family <i>Mugilidae</i>
Opah or Moonfish	All species of <i>Lampris</i>
Orange roughy	<i>Hoplostethus atlanticus</i>
Parrotfish	All species of the family <i>Scaridae</i>
Peruvian moonfish	<i>Selene peruviana</i>

<i>Column 1 Commercial designation</i>	<i>Column 2 Species of fish</i>
Skate or Ray	All species of the family <i>Rajidae</i>
Roker	<i>Raja clavata</i>
Small sandeel	<i>Ammodytes tobianus</i>
Smelt or Sparling	All species of <i>Osmerus</i>
Snapper	All species of the family <i>Lutjanidae</i>
Jobfish	Alternatively, the following may be used All species of <i>Aphareus</i> All species of <i>Aprion</i> All species of <i>Pristipomoides</i>
Snook	All species of <i>Centropomus</i>
Sole or Dover sole	<i>Solea solea</i> (L.)
Butter sole	<i>Isopsetta isolepis</i>
Californian sole	<i>Parophrys vetulus</i>
Lemon sole	<i>Microstomus kitt</i> (Walbaum)
Petrale sole	<i>Eopsetta jordani</i>
Rex sole or Long-finned sole	<i>Glyptocephalus zachirus</i>
Rock sole	<i>Lepidopsetta bilineata</i>
Pacific sole	<i>Microstomus pacificus</i>
Torbay sole or Witch	<i>Glyptocephalus cynoglossus</i> (L.)
Sprat	<i>Sprattus sprattus</i> (L.), except when canned
Stargazer	All species of the family <i>Uranoscopidae</i>
Swordfish	<i>Xiphias gladius</i>
Tarpon	All species of the family <i>Megalopidae</i>
Threadfin bream	All species of <i>Nemipterus</i>
Toothfish or Icefish	<i>Dissostichus mawsoni</i> <i>Dissostichus eleginoides</i>
Torpedo sand perch	<i>Diplectrum maximum</i>
Tuna or Tunny	All species of <i>Thunnus</i>
Skipjack tuna (or tuna)	<i>Katsuwonus pelamis</i>
Albacore tuna (or tuna)	<i>Thunnus alalunga</i>
Yellowfin tuna (or tuna)	<i>Thunnus albacares</i>
Bluefin tuna (or tuna)	<i>Thunnus thynnus</i>
Pacific bluefin tuna or Oriental bluefin tuna (or tuna)	<i>Thunnus orientalis</i>
Southern bluefin tuna (or tuna)	<i>Thunnus maccoyii</i>
Bigeye tuna (or	<i>Thunnus obesus</i>

<i>Column 1 Commercial designation</i>	<i>Column 2 Species of fish</i>
tuna)	
Turbot	<i>Psetta maxima</i>
Wahoo	<i>Acanthocybium solandri</i>
Weever	All species of the family <i>Trachinidae</i>
Whitebait	Small <i>Clupea harengus</i> (L.) Small <i>Sprattus sprattus</i> (L.) (except when canned)
Whiting	<i>Merlangius merlangus</i> (L.)
Blue whiting	<i>Micromesistius poutassou</i> (Risso)
Southern blue whiting	<i>Micromesistius australis</i>
Winter flounder	<i>Pseudopleuronectes americanus</i> (Walbaum)
Wrasse	All species of the family <i>Labridae</i>
Salmon and Freshwater Fish	
Bacha	<i>Eutropiichthys vacha</i>
Batashi	<i>Pseudeutropius atherinoides</i>
Carp	All species of the family <i>Cyprinidae</i> Alternatively, the following may be used
Mowrala	<i>Amblypharyngodon mola</i>
Banspata	<i>Danio devario</i>
Bata	<i>Labeo bata</i>
Kalibous	<i>Labeo calbasu</i>
Ghania	<i>Labeo gonius</i>
Ruhi	<i>Labeo rohita</i>
Punti	<i>Puntius sarana</i>
Chelapata	<i>Salmostoma bacaila</i>
Barbel	<i>Barbus barbus</i>
Tench	<i>Tinca tinca</i>
Freshwater bream	<i>Abramis brama</i>
Roach	<i>Rutilus rutilus</i>
Catfish <i>or</i> American catfish <i>or</i> Channel catfish	All species of the family <i>Ictaluridae</i>
Catfish	All species of the family <i>Clariidae</i> All species of the family <i>Siluridae</i> All species of the family <i>Bagridae</i> All species of the family <i>Pimelodidae</i> Alternatively, the following may be used

<i>Column 1 Commercial designation</i>	<i>Column 2 Species of fish</i>
Magur	<i>Clarias batrachus</i>
Gulsha	<i>Mystus bleekeri</i>
Buzuri	<i>Mystus tengara</i>
Tengra	<i>Mystus vittatus</i>
Pabda	<i>Ompok pabda</i>
Ayre	<i>Sperata aor</i>
Boal	<i>Wallago attu</i>
Chapila	<i>Gudusia chapra</i>
Char	All species of <i>Salvelinus</i>
Kakila	<i>Xenentodon cancila</i>
Keski	<i>Corica soborna</i>
Khalisha	<i>Colisa fasciatus</i>
Koi	<i>Anabas testudineus</i>
Largebaim	<i>Mastacembelus armatus</i>
Meni	<i>Nandus nandus</i>
Nile perch	<i>Lates niloticus</i>
Pacu	<i>Piaractus mesopotamicus</i>
Patabaim	<i>Macragnathus aculeatus</i>
Pike or Northern pike	<i>Esox lucius</i>
Queen fish	<i>Botia dario</i>
River cobbler or Basa or Pangasius or Panga(s) or any of these together with the additional word “catfish”	All species of <i>Pangasius</i> <i>Pangasius hypophthalmus</i>
Salmon or Atlantic salmon	<i>Salmo salar</i> (L.)*
Cherry salmon or Pacific salmon	<i>Oncorhynchus masou</i> <i>masou</i> *
Chum salmon or Keta salmon	<i>Oncorhynchus keta</i> (Walbaum)*
Medium red salmon or Coho salmon or Silver salmon	<i>Oncorhynchus kisutch</i> (Walbaum)*
Pink salmon	<i>Oncorhynchus gorbuscha</i> (Walbaum)*
Red salmon or Sockeye salmon	<i>Oncorhynchus nerka</i> (Walbaum)*
Spring salmon or King salmon or Chinook salmon or Pacific salmon	<i>Oncorhynchus tshawytscha</i> (Walbaum)*
Pollan or Arctic cisco	<i>Coregonus autumnalis</i>
Vendace	<i>Coregonus albula</i>
Shol	<i>Channa striata</i>

<i>Column 1 Commercial designation</i>	<i>Column 2 Species of fish</i>
Taki	<i>Channa punctata</i>
Tambaqui or Cachama	<i>Colossoma macropomum</i>
Tilapia	All species of <i>Tilapia</i> All species of <i>Oreochromis</i>
Trout or Brown trout	<i>Salmo trutta trutta</i> (L.) which has spent all of its life in fresh water
Sea trout or Salmon trout	<i>Salmo trutta trutta</i> (L.) which has spent part of its life in sea water
Cut-throat trout or trout	<i>Oncorhynchus clarki clarki</i>
Rainbow trout or Steelhead trout or trout	<i>Oncorhynchus mykiss</i>
Zander or Pike-perch	<i>Stizostedion lucioperca</i>
Shellfish	
Abalone or Ormer	All species of <i>Haliotis</i>
Ark clam or Arkshell	All species of the family <i>Arcidae</i>
Clam or Hard shell clam	<i>Mercenaria mercenaria</i> (L.) <i>Venus verrucosa</i> (L.)
Clam or Razor clam or Razor shell	All species of <i>Ensis</i> and <i>Solen</i>
Geoduck or Geoduck clam	<i>Panopea abrupta</i>
Manila clam or Japanese carpet shell	<i>Tapes philippinarum</i> <i>Ruditapes philippinarum</i>
Native clam or Grooved carpet shell or Palourde	<i>Tapes decussatus</i> <i>Ruditapes decussatus</i> <i>Venerupis decussa</i>
Soft shell clam or Gapers	<i>Mya spp</i>
Surf clam	All species of <i>Spisula</i>
Otter shell clam	<i>Lutraria lutraria</i>
Cockle	All species of <i>Cerastoderma</i>
Amande clam or Dog cockle	<i>Glycymeris glycymeris</i>
Crab	All species of the order <i>Brachyura</i> All species of the family <i>Lithodidae</i>
Crayfish	All species of the family <i>Astacidae</i>

<i>Column 1 Commercial designation</i>	<i>Column 2 Species of fish</i>
	All species of the family <i>Parastacidae</i> All species of the family <i>Austroastacidae</i> All species of the family <i>Cambaridae</i>
Cuttlefish	All species of <i>Sepia</i> <i>Rossia macrosoma</i>
Lobster	All species of <i>Homarus</i>
Slipper lobster	All species of the family <i>Scyllaridae</i>
Squat lobster	All species of the family <i>Galatheidae</i>
Crawfish <i>or</i> Spiny lobster <i>or</i> Rock lobster	All species of <i>Panulirus</i> All species of <i>Palinurus</i> All species of <i>Jasus</i>
Indian ocean lobster <i>or</i> Whip lobster	<i>Puerulus sewelli</i> <i>Puerulus carinatus</i> <i>Puerulus angulatus</i>
Mussel	All species of the family <i>Mytilidae</i>
Octopus	All species of <i>Octopus</i>
Oyster	All species of <i>Crassostrea</i> All species of <i>Ostrea</i>
Oyster <i>or</i> Portuguese oyster	<i>Crassostrea angulata</i> (Lmk.)
Oyster <i>or</i> Pacific oyster <i>or</i> Rock oyster	<i>Crassostrea</i> <i>gigas</i> (Thunberg)
Oyster <i>or</i> Native oyster	<i>Ostrea edulis</i> (L.)
Prawn <i>or</i> Shrimp	Whole fish (of a size which, when cooked, have a count of less than 397 per kg) or tails (of a size which, when peeled and cooked, have a count of less than 1,323 per kg) of — all species of the family <i>Palaemonidae</i> , all species of the family <i>Penaeidae</i> , all species of the family <i>Aristaeidae</i> , and all species of the family <i>Pandalidae</i>
King prawn	All species of the family <i>Palaemonidae</i>

<i>Column 1 Commercial designation</i>	<i>Column 2 Species of fish</i>
	All species of the family <i>Penaeidae</i> All species of the family <i>Aristaeidae</i> Where the count is less than 123 per kg (head on/shell on) or less than 198 per kg (head off/shell on) or less than 242 per kg (head off/shell off)
Tiger prawn	<i>Penaeus monodon</i> <i>Penaeus semisulcatus</i> <i>Penaeus esculentus</i> <i>Penaeus kerathurus</i> <i>Penaeus japonicus</i> <i>Parapenaeopsis hardwickii</i> <i>Parapenaeopsis sculptilis</i>
Scallop or King scallop	<i>Pecten maximus</i>
Atlantic scallop or Scallop	<i>Placopecten magellanicus</i>
Queen scallop or Queen or Scallop	<i>Chlamys (Aequipecten) opercularis</i>
Scallop or Common scallop	All species of the family <i>Pectinidae</i>
Scampi or Norway lobster or Dublin Bay prawn or Langoustine	<i>Nephrops norvegicus</i> (L.)
Pacific scampi	<i>Metanephrops andamanicus</i> <i>Metanephrops challengerii</i> <i>Metanephrops thomsoni</i>
Sea urchin	All species of the family <i>Echinidae</i>
Shrimp	Whole fish (of a size which, when cooked, have a count of 397 per kg or more) or tails (of a size which, when peeled and cooked, have a count of 1,323 per kg or more) of — all species of the family <i>Palaemonidae</i> , all species of the family <i>Penaeidae</i> , all species of the family <i>Aristaeidae</i> , and all species of the family <i>Pandalidae</i>
Shrimp or Pink shrimp	<i>Pandalus montagui</i>
Shrimp or Brown	All species of <i>Crangon</i>

<i>Column 1 Commercial designation</i>	<i>Column 2 Species of fish</i>
shrimp	
Mantis shrimp	<i>Squilla mantis</i>
Squid	All species of <i>Loligo</i> All species of <i>Illex</i> <i>Ommastrephes sagittatus</i>
Arrow squid	<i>Nototodarus sloani</i> <i>Nototodarus gouldi</i>
Whelk	All species of <i>Buccinum</i>
Winkle	All species of <i>Littorina</i> ”