



Department
for Environment
Food & Rural Affairs

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Summary of responses to the consultation on the Fish Labelling Regulations

Amendment to the list of Commercial Designations for Fish

August 2013

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Introduction

Background

Defra conducted an eight week consultation from September to November 2012 to seek views and additional information on the new requirements being introduced to provide the consumer with additional information on fishery products at the point of retail. Views were also sought on the proposal to improve the management of the Commercial Designation list for fish in the UK.

The consultation aim was to check that the preferred option for implementing the new requirements for fish labelling made sense and is the least burdensome for those affected. It provided an opportunity for those who operate in the sector to express their views on the proposed change to how the list of commercial designations for fish will be maintained on an ongoing basis and comment on the proposed additions to the commercial designation list.

The objective is to update UK domestic fish labelling regulations to take account of new consumer information requirements so as to improve information provided to consumers and to comply with EU Regulation. The aim is to set out the new consumer information requirements in the clearest possible way by incorporating all the rules relating to consumer information under one set of Regulations.

The purpose of the consultation was to seek the views of those involved in the trade of fishery products and other stakeholders in the fish industry on the draft Fish Labelling Regulations 2013.

The consultation focussed on two main proposals relating to fish labelling:

- A proposal to change the way the list of Commercial Designations for Fish are updated and maintained, including the addition of new Commercial Designations
- Options to amend the current Statutory Instrument for England to take account of new requirements introduced by the EU Fisheries Control Regulation

Overview of responses

5 responses were received in total

The respondents were:

- Chief Inspector to the Fishmongers' Company
- Government Chemist
- Nordic Seafood
- Trading Standards Institute
- Cambridgeshire County Council

Summary of opinions

New requirements – Scientific name

One response to this specific item was received with the view expressed that at a retail level this information has very little value as the consumer will not be interested in scientific names. They recognised however, that this is a mandatory requirement from EU fisheries regulations.

The respondent did recognise there may be a value to this information in the trade in business to business transactions and will help to alleviate the problem of species substitution.

The option to display the scientific name on a poster or billboard was noted as a welcome option of flexibility and would be useful to retailers as they would not want overly cumbersome labels directly on their products which would obscure their displays.

Previously frozen declaration

One comment on this particular requirement welcomed its introduction as a measure that was long overdue. It was noted as an improvement for consumers as they need to know whether or not a product has been previously frozen as many, particularly when buying large quantities of fish on offer are likely to take the product home and freeze it thereby affecting the quality if the product had been previously frozen.

Commercial Designation List

Respondents support the proposed change to manage the Commercial Designation list online where it can be amended and updated as and when new designations are agreed. Comments were received that welcome this change as the current system which requires a Statutory Instrument to be laid in Parliament each time the list needs amending is burdensome. Comments were received that supported our proposal to change the way the list is managed due to the nature of the trade in fishery products where new products are entering the market all the time. One suggestion was for the EU Commission to put together a combined list of all the acceptable Commercial Designations in the EU or provide a single list with links to all the existing Commercial Designation lists.

Enforcement

Views were received that supported the move to an enforcement notice regime and that this would be beneficial to enforcement officers. It was noted that it may help to speed up decisions and appears as a sensible way forward.

One response highlighted the fact that the consultation proposes introducing 'compliance notices' as the enforcement regime whereas the proposal under the Food Information Regulations consultation refers to 'improvement notices'. This difference in approach occurred as new legal advice came to light after the launch of the fish labelling Regulations. To ensure a robust and consistent approach when using enforcement notices, the Fish Labelling Regulations will make use of 'Improvement Notices' as the enforcement tool. This change is a minor administrative shift and doesn't alter the assessment made in the consultation as the two notice regimes operate in a very similar way.

Consultation questions

Consultation Question		Are there any other changes to the Commercial Designation List that should be considered?	
Response – An additional 55 entries have been put forward for inclusion in the Commercial Designation list. These will be considered individually in collaboration with the Fish Expert Group on their suitability for inclusion on the list.			
	Subject Matter	IA Page No.	Question
1	Size of the market	9	Consultation Question 1 Stakeholders are invited to comment on whether we have captured all firms in the market, including in the devolved administrations, who may be affected by the proposal?

	Reply	No specific response to this question received	
	Govt Response	The list of consultees was representative of those most interested and affected by the proposals.	
2	Familiarisation costs	12	Consultation Question 2 Stakeholders are invited to comment on whether the assumption of 1 hour for micro and small businesses and 2 hours for medium and large businesses is reasonable?
	Reply	No specific response to this question received	
	Govt Response	We assume that our estimate is reasonable	
3	Traceability costs	14	Consultation Question 3 Stakeholders are invited to comment on whether the assumptions above are realistic?
	Reply	No specific response to this question received	
	Govt Response	We assume that our estimate is reasonable	
4	Micro-businesses	15	Consultation Question 4 We are keen to seek views from micro businesses on the degree of impact from any labelling changes.
	Reply	No specific response to this question received	
	Govt Response	We assume that our estimate is reasonable	
5	Labelling Costs	16	Consultation Question 5 Stakeholders are invited to comment on whether the assumptions above are reasonable.
	Reply	No specific response to this question received	
	Govt Response	We assume that our estimate is reasonable	
6	Familiarisation and time saving benefits	18	Consultation question 6 Do these estimates seem reasonable?
	Reply	The trading standards institute agreed with our estimates for the time taken for enforcement officers to familiarise themselves with the new regulations. The time saving estimate is reasonable in	

		regard to having one SI rather than two.	
	Govt Response	We are content with these comments that support our estimates of time saving and familiarisation costs relating to enforcement officers.	
7	Commercial Designations	18	<p>Consultation question 7: Commercial Designation list</p> <p>On average, how often do you consult the existing SI to check Commercial Designations per year?</p> <p>What time saving do you estimate as a result of placing a 'live' Commercial Designation list on a webpage?</p>
	Reply	One respondent stated that they check the SI about 150 times a year to check for labelling new products. The time saving element was estimated by one company of being 10-20%.	
	Govt Response	Confirmation of these potential savings to business reinforces the decision to separate the commercial designation list from the SI and maintain it separately on a website.	
8	Commercial Designation – timesaving benefit	19	<p>Consultation question 8</p> <p>Do these hours seem reasonable?</p>
	Reply	No specific response to this question received	
	Govt Response	We assume that our estimate is reasonable	
9	Enforcement regime - business	19	<p>Consultation question 9</p> <p>In what way would a Compliance Notice approach benefit your business and/or the sector in general? Can you quantify any savings that may be realised?</p>
	Reply	Respondents commented in general that the move to an enforcement notice approach seems like a sensible way forward and could help to speed up decisions. One reply indicated that the enforcement notice approach will be beneficial to enforcement officers as any contraventions could be dealt with quicker rather than having to resort to criminal sanctions.	
	Govt Response	The comments received in support of this approach to enforcement indicate there will be some benefits to moving to this more	

		proportionate approach to enforcement of labelling contraventions.	
10	Enforcement regime - Government	20	<p>Consultation question 10</p> <p>In what way would a Compliance Notice approach benefit enforcement officers in general? Can you quantify any savings that may be realised?</p>
	Reply		<p>One respondent suggested that greater efficiencies and clarity could be made across the food related Regulations by using the same enforcement tool and choose either compliance or improvement notices.</p>
	Govt Response		<p>Shortly after launching the consultation, legal advice was presented that suggested it would be more appropriate to use existing powers under the Food Safety Act 1990 to issue 'Improvement Notices' rather than 'Compliance Notices' This change has been incorporated into the draft SI for fish labelling and is in line with the wider Food Information Regulation proposal.</p>

Conclusion

Although there were only a limited number of responses to the consultation, there were no major objections received against the requirements being introduced or to the approach to enforcement through the use of enforcement notices. Comments received in response to the estimates set out in the Impact Assessment, such as familiarisation costs and time saving benefits, backed the assumptions made as being reasonable assessments. The proposal to separate the Commercial Designation list from the SI and maintain this as a standalone internet based list was supported as being a clear improvement. In addition to support for the changes being proposed, a number of suggestions were received to add species to the Commercial Designation list and these will be assessed with advice from the fish experts group and included in the updated list where appropriate.