



FAPs Consumer information

Updated
24/10/2019

GENERAL INFORMATION TO CONSUMERS

What legislation applies to consumer information (e.g. labelling) for FAPs in the EU?

- *CMO Regulation (Chapter IV)*
- *Food information to consumers (FIC Regulation)*

They are complementary and any aspect/product not covered by the CMO regulation is subject to the FIC regulation.

What is the scope of these Regulations?

- *All food business operators, at all stages of the food supply chain, must comply with these Regulations.*
- *They are intended to inform consumers and mass caterers.*
- *They apply to all FAPs marketed in the EU (also imports), irrespective of their origin or of their marketing method.*

Which FAPs are covered by the CMO regulation and the FIC regulation?

PART 1

CMO Regulation:

Sets out rules on the mandatory and voluntary information to be provided for pre-packed and non-prepacked fishery and aquaculture products referred to in points (a), (b), (c) and (e) of its Annex I

Which FAPs are covered by the CMO regulation and the FIC regulation?

PART 2

FIC Regulation:

- *Lays down general requirements on consumer information for all pre-packed foodstuffs including fishery and aquaculture products.*
- *Foresees that mandatory information on non-pre-packed foodstuffs (apart from the requirement to indicate allergens) is decided by national authorities.*

Which FAPs are covered by the CMO regulation and the FIC regulation?

PART 3

*The **FIC** Regulation also applies to the following prepared and preserved products (processed) not covered by the CMO regulation:*

- prepared or preserved fish (e.g: prepared and processed tuna);*
- caviar and caviar substitutes prepared from fish eggs;*
- crustaceans, molluscs and other aquatic invertebrates, prepared or preserved.*

What are the definitions of unprocessed and of processed products?

PART 1

These definitions relate to the term ***'Processing'***: any action that substantially alters the initial product, including heating, smoking, curing, maturing, drying, marinating, extraction, extrusion or a combination of those processes

What are the definitions of unprocessed and of processed products?

PART 2

Article 2 of Reg 852/2004 on the hygiene of foodstuffs:

'Unprocessed products': 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 defrosted.

'Processed products': foodstuffs resulting from the processing of unprocessed products. They may contain ingredients that are necessary for their manufacture or to give them specific characteristics.

What regulation(s) apply to preserved 'sardines and sardine-like products' and to 'canned tuna and bonito'?

Regulation 1536/92 on specific marketing standards for 'canned tuna and bonito', and Regulation 2136/89 on specific marketing standards for 'sardines and sardine-like products' apply.

Articles 35 to 39 of the CMO Regulation do not apply to these products, the but FIC regulation requirements apply.

What regulation should be applied to: smoked fish marinated with vegetable oil and vegetables?

Marinated products are not mentioned in Annex I to CMO regulation. In this case, only the general labelling rules of FIC regulation apply.

cooked shrimp meat and surimi in the form of 'crab sticks'?

Processed products, such as crustaceans cooked without their shells or surimi in the form of 'crab sticks' are not mentioned in Annex I to CMO regulation. In this case, only the general labelling rules of FIC regulation apply.

Are restaurants concerned by the labelling rules?

YES – Restaurants and other mass caterers are concerned by the labelling rules in two ways:

(1) As **receivers** of the complete information of CMO and FIC regulations when they **buy** their fish products (this information must be kept for control purposes), and as

(2) **sellers** of prepared/processed fish products, that are usually non-prepacked. For non-prepacked products (dishes served in a restaurant) only information on allergens is mandatory.

The remaining mandatory particulars do not have to be mentioned unless EU countries adopt national measures on all or some of them (article 44 of FIC Regulation). In this case, CMO Regulation does not apply.

Has regulation 2065/2001, which sets out detailed rules for applying regulation 104/2000 as regards informing consumers about FAPs, been repealed?

YES – It was repealed by regulation 1420/2013 following the adoption of regulation 1379/2013.

The repeal took effect on 13 December 2014.

MANDATORY INFORMATION

Do producers have to put a label on all products?

YES – if they are **prepacked**.

*For **non-prepacked** products covered by the CMO regulation, information can be provided in different forms - labels, billboards, posters or the like.*

*In the case on **non-prepacked** products covered by the FIC regulation, EU countries may adopt national measures.*

Which mandatory information must be placed on FAPs?

PART 1

*Under CMO Reg: For **prepacked and non-prepacked FAPs** (Art. 35):*

- ✓ *commercial and scientific name of the species (list drawn up and published by each EU country)*
- ✓ *production method ("...caught..." or "...caught in freshwater..." or "...farmed...")*
- ✓ *area where the product was caught / country and body of water where the product was farmed*
- ✓ *category of fishing gear (only for wild products)*
- ✓ *whether the product has been defrosted (with some exceptions -Article 35(1) of the CMO regulation)*
- ✓ *"Date of minimum durability" ('best before' date) – where appropriate (e.g. frozen fillets)*

Which mandatory information must be placed on FAPs?

PART 2

*Under FIC Reg: **Pre-packed** products (Arts.9-10). In addition to CMO Art. 35 requirements, when necessary:*

- ✓ *list of ingredients + any ingredient or processing aid causing allergies or intolerances*
- ✓ *quantity of certain ingredients or categories of ingredients*
- ✓ *net quantity of the food*
- ✓ *any special conditions for storage and use*
- ✓ *'use by' date for products for which the 'best before' date is not appropriate (e.g.: fresh fillets)*
- ✓ *name or business name and address of the food business*
- ✓ *country of origin or place of provenance (if required)*
- ✓ *instructions for use (if needed) + nutritional information (if required)*

Do prepared and preserved tuna have to carry the commercial designations according to the CMO regulation?

The CMO regulation only applies to the products covered by Chapter IV, from which prepared products are excluded.

In the case of prepared/preserved tuna, regulation 1536/92 remains applicable and, as all other food products, is complemented by the FIC regulation.

Is the general term 'fish' also valid for crustaceans and molluscs when they are ingredient of another food?

NO. *The possibility to use the generic term 'fish' only exists for fish species.*

The generic term can be used for any fish species that is an ingredient of another food, provided the designation and presentation of the food don't refer to a specific species (Annex VII part B to the FIC regulation).

Can commercial names be used on billboards or posters in the case of non-pre-packed products on display for retail sale?

YES – *provided that the food business operator always makes sure that the commercial designation is **clearly linked** to the relevant product.*

For fishery products caught at sea, should the label include the FAO area number?

NO – numbers are no longer required. This information can be provided on a voluntary basis provided that this information is clear, unambiguous, verifiable and not misleading

How should the label refer to the various FAO catch areas?

PART 1

*Fish caught either in the Northeast Atlantic or in the Mediterranean and Black Sea areas must display the name of the **sub-area or division**, along with a name that is easy for the consumer to understand, a map or a pictogram.*

Example:

*'Caught in Western Mediterranean' + Tyrrhenian Sea, or
'Caught in Western Mediterranean' + map, or
'Caught in Western Mediterranean' + pictogram.*

http://ec.europa.eu/fisheries/cfp/market/consumer-information/index_en.htm (names areas in all official EU languages)

How should the label refer to the various FAO catch areas?

PART 2

*For fish caught anywhere else in the world, only the **area** name in writing is needed.*

*In addition to the above, operators are free to give a more precise indication of the catch area, provided that it is **clear, unambiguous and verifiable**.*

The list of FAO/ICES areas, sub-areas and divisions names is published by the FAO: [FAO major fishing areas](#)

How must the catch area be indicated on the label in the case of wild freshwater products?

*Both the name of the body of water **and** the country where the product was caught must be given.*

Example:

Caught in freshwater in Tiefer See, Germany'.

*More detailed additional information may be provided on a voluntary basis, provided that it is **clear, unambiguous and verifiable.***

What gear types categories must appear on the label?

For prepacked and non-prepacked products, any of the 7 gear types categories listed in Annex III (1st column) to the CMO regulation must appear on the label: seines, trawls, gillnets and similar nets, surrounding net and lift nets, hooks and lines, dredges and pots and traps.

If they so wish, food business operators can add more detailed information on the gear used, such as the gear listed in columns 2 and/or 3 of Annex III to the CMO regulation.

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

Are food businesses required to list on labels all the different gear types used to catch the various batches contained in the final product?

YES – *In the case of a batch composed of products caught with different fishing gears, all gear categories must be listed on the label.*

What term should be used to indicate the production method of seaweeds that are harvested from the shore?

*In the case of seaweeds harvested from the shore, which cannot be considered 'caught' nor can they be 'harvested' as this term is reserved for farmed seaweeds, the production method should be given on a **voluntary** basis. One possible way to do so could be to indicate 'hand-picked'.*

Is the indication defrosted mandatory for products falling under the CMO regulation?

YES – *except for the 4 exceptions set out in Article 35(1) of the CMO regulation. In addition, and in accordance with Annex VI, A (2) paragraph 1 of the FIC regulation, the indication 'defrosted' must accompany the 'name of the food' on the label of pre-packed products.*

For non-prepacked products, the information need not accompany the name of the food, although it must be shown on billboards or posters.

The date of minimum durability must be indicated where appropriate, according to Article 35(1)(e) of the CMO regulation. What does 'where appropriate' mean?

PART 1

Under the CMO regulation, the date of minimum durability must be provided in accordance with the rules set out in the FIC regulation.

The date of minimum durability corresponds to the 'best before' date or 'best before end' date referred to in Annex X to the FIC regulation.

The date of minimum durability must be indicated where appropriate, according to Article 35(1)(e) of the CMO regulation. What does 'where appropriate' mean?

PART 2

*For all **prepacked** products, 'where appropriate' means that products must bear either the date of minimum durability, if they are not highly perishable, or the 'use by' date if they are highly perishable (Article 24 of the FIC regulation).*

*For all **non-prepacked** products or products packed on the sales premises at the consumer's request or prepacked for direct sale, 'where appropriate' means that it is left to EU countries' discretion whether to give the 'date of minimum durability' or the 'use by date'; they may decide whether or not to adopt national measures (Article 44 of the FIC regulation).*

Which additional information must appear on the label of mixed products of the same species?

*If the product contains batches produced through **different production methods**, the label must state the method used for each batch.*

*If the product contains batches from **different areas**, the labelling must state at least the area of the larger batch, together with a mention that the product may also come from different areas.*

*If the product contains batches caught with **different gears**, the label must state the gear used for each batch*

Which information must appear on the label of mixed products of different species?

For each batch of each species, the label must state both the production method and the areas.

VOLUNTARY INFORMATION

What voluntary information can a food business operator provide for FAPs covered by the CMO regulation?

The following information may be provided on a voluntary basis (Article 39), provided that it is clear, unambiguous and verifiable:

- ✓ *Date of catch / harvest*
- ✓ *Date of landing or information on the port of landing*
- ✓ *More details on the fishing gear*
- ✓ *Vessel's flag state*
- ✓ *Environmental information*
- ✓ *Ethical/social information*
- ✓ *Production techniques and practices*
- ✓ *Nutritional content (only for single-ingredient food)*

The list is not closed and does not explicitly prohibit other possibilities.

What additional information can be given on gear types on a voluntary basis by food business operators?

On a voluntary basis, food business operators can add more detailed information on the gears used such as the gears listed in columns 2 and/or 3 of Annex III to the CMO regulation.

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

What relationship is there between the voluntary nutritional content referred to in the CMO regulation and the mandatory nutrition declaration mentioned in the FIC regulation?

The term "nutritional content" in the CMO regulation corresponds to the term "nutrition declaration" in the FIC regulation.

The provision of the nutrition declaration under the CMO regulation follows the rules defined by the FIC regulation.

*The possibility to provide the nutritional declaration voluntarily is available **only** to products exempted under Annex V to the FIC regulation. For all other products, this information must be provided to the consumer.*

What relationship is there between the voluntary nutritional content referred to in the CMO regulation and the mandatory nutrition declaration mentioned in the FIC regulation?

PART 2

For products exempted under Annex V to the FIC regulation from providing the mandatory nutrition declaration. In practice, this applies to most products falling under the CMO regulation. Examples include unprocessed products comprising a single ingredient or category of ingredients and processed products whose processing has consisted only of maturing and which comprise a single ingredient.