



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
 INTERNATIONAL AFFAIRS AND MARKETS
 TRADE AND MARKETS

Brussels,
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Mr Pastoor /Mr Mozos
 AIPCE/CEP
 Bld Saint-Michel, 77-79
 1040 Brussels

**Subject: Information to consumers / Regulation 1379/2013
 Answer to letter of AIPCE of 1 April 2014 (Ares (2014)1108672)**

Dear Mr Pastoor and Mr Mozos,

I refer to your letter of 1 April 2014 about labelling requirements of fishing gears and on the terms "catching area" of the Spanish version of Regulation 1379/2013¹. Please find below the answers to your questions

1. Labelling of the fishing gear

1.1 Flexibility on gear types indication under Regulation 1379/2013.

In your question, reference is made to industrial processing and, if my understanding is correct, it follows that the result of this is a "processed product", which is a product that has undergone heating, smoking, curing, maturing, drying, marinating, extraction, extrusion or a combination of those processes.

At this point, it is important to highlight which are the products covered by Regulations 1379/2013 and 1169/2011² and also that both Regulations are complementary and, for the aspects/products not covered by Regulation 1379/2013, the requirements of Regulation 1169/2011 apply.

¹ OJ L 354, 28/12/2013, p. 1-21 - Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000

² Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (Text with EEA relevance)

Regulation 1379/2013 only provides specific rules for mandatory and voluntary information to be provided for the pre-packed and non-prepacked fishery and aquaculture products referred to in points (a), (b), (c) and (e) of its Annex I. Only some cases of processed products are covered by this Regulation (see points b) and c) of the mentioned Annex I).

The rest of processed products (eg.: canned products, prepared meals, breaded fish fingers, etc) fall under Regulation 1169/2011.

In fact, on the mention of the gear type, two different situations exist:

a- Products falling under Regulation 1169/2011: In this case, there is no obligation to mention the gear type.

b- Products falling under Regulation 1379/2013: As expressed in a previous message, this Regulation does not leave any margin for exceptions and all products must be labelled according to the gear used to catch them (please see also our explanation of point 1.2.) Annex III of Regulation 1379/2013 already simplifies and reduces to seven the mandatory gear types. Any modification of this rule should be made by amending the Regulation, and the Commission cannot amend a regulation adopted by co-decision by Council and Parliament.

1.2 Gear types not covered by Regulation 1379/2013.

Article 35 of Regulation 1379/2013 makes the mention of the seven gear types of column 1 of Annex III mandatory and gives the possibility to add more detailed information of these gears using columns 2 or 3 of the same Annex.

Gear types not covered by Article 35 (eg.: shellfish caught on the shore by hand) can always be indicated voluntarily under Article 39, provided that the information is clear, unambiguous and verifiable. Although Article 39 provides a list of additional voluntary information, this list is not closed and does not explicitly prohibit other possibilities.

2. Catching area – terms in the Spanish version

The co-legislators (Council and Parliament) decided that the new CMO (Regulation 1379/2013) takes the same terms of the previous CMO. Unfortunately, not much can be done in this respect. As this is not a drafting error, in legal terms a *corrigendum* cannot be asked for.

For products and their packages labelled prior to 13 December 2014 non-compliant with Article 35, point 5 of this Article gives the possibility to operators or marketing the products until stocks have been used up.

I remain at your disposal for any further information you may need.

Yours sincerely,



Christian RAMBAUD
Head of Unit