

Fisheries Information Notice 7-2020

Selling of Fishery Products by Commercial Vessel Operators or Aquaculture Producers directly to the Final Consumer



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SEA-FISHERIES
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AUTHORITY

The Sea-Fisheries Protection Authority has issued Fisheries Information Notice entitled: **‘Selling of Fishery Products by Commercial Vessel Operators or Aquaculture Producers directly to the Final Consumer’**.

Legislative Basis:

- Council Regulation (EC) 1224/2009
- Commission Implementing Regulation (EU) No 404/2011
- Regulation (EC) 178/2002 Laying down general principles and requirements of food law
- Regulation (EC) 852/2004 Hygiene of foodstuffs
- Regulation (EC) 853/2002 Laying down specific hygiene rules for food of animal origin
- S.I. No. 22/2020 - European Union (Food and Feed Hygiene) Regulations 2020
- S.I. No. 54/2016 - Sea-Fisheries (Community Control System) Regulations 2016
- S.I. No. 121/2016 - European Union (Labelling of Fishery and Aquaculture Products)

Introduction:

Catching and landing of wild fish, farming and harvesting of aquaculture product are primary production of food. Selling of fish to final consumers is a retail food activity. This Fishery Information Notice details the legal requirements of a commercial fishing vessel selling fishery products directly to the final consumer.

Definitions for this FIN:

‘Primary fishery product’ is a fishery product that has undergone basic primary preparation such as heading, gutting, fin removal and chilling. It also includes live bivalve molluscs, wild-caught or farmed which have not been through an approved establishment. Further preparation such as filleting, freezing, shucking, or cooking is not considered primary production.

‘Retail activity’ is the sale or supply of food at the point of delivery to the final consumer.

‘Self’ means sale, supply or free of charge transaction of primary fishery product directly to the final consumer.

‘Commercial fishing vessel’ is a sea-fishing vessel with a valid fishing licence.

Obligations for Vessel Operators

A licensed commercial fishing vessel operator can sell primary fisheries products directly to the final consumer without registering as a retailer or without labelling subject to the following conditions;

- Only primary fishery products (see definition above)
- Primary products from operators own vessel are the only products that can be sold
- Maximum quantities of up to 30kg per week per final consumer or to a local retail establishment supplying directly to the final consumer.
- Maximum value of fishery products is €50 per day per final consumer

Disclaimer

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- Weighing of all fishery products on approved (calibrated) weighing systems
- Ensure accuracy of weighing and recording of required information weigh records
- Maintain proper labelling and traceability
- The marketing of fishery products below MCRS is prohibited
- Registration or approval is not required when selling of small quantities of primary products to the final consumer.

There is also an obligation to comply with basic food safety requirements (e.g. obligation to put safe food on the market) and food labelling requirements (obligation not to mislead consumers) and general fisheries control requirements

The following activities may **only** be performed as part of a retail operation if registered as a food retailer with the Environmental Health Service (HSE):

- Filleting or further processing
- Retail supply in quantities above 30kg per week to the final consumer or to a local retail establishment supplying directly to the final consumer.
- Non-local retail establishment supply (i.e. distant retail establishments).

Quantities & Value to final consumer

- Commercial fishing vessels may sell primary fishery product to final consumers to the value of €50 per day without labelling or information provision.
- Commercial fishing vessels may sell primary fishery product or LBMs, not exceeding 30kg per week to the final consumer or to a local retail establishment supplying directly to the final consumer without registering as a retailer.

Live Bivalve Molluscs (LBMs) S.I. No 22/2020 Regulation 2 (3)(a)

- In general terms LBMs are only allowed to be placed on the market via an approved dispatch centre.
- However it is permissible for producers to directly supply small quantities of LBMs in certain circumstances.
- There are specific food safety risks with supplying of LBMs and it requires a familiarity with the systems operated by Irish Authorities. You should contact the SFPA to discuss your food safety plan prior to placing LBMs on the market under this derogation.
- LBMs harvested from class A areas only and where the area has not been closed due to excessive levels of toxins may be supplied directly by the harvester up to a maximum of 30kg per week to the final consumer or to a local retail establishment supplying directly to the final consumer.
- This exemption does not allow any of the following types of supply;
 - Supply from anyone other than the producer, namely the farmer, harvester or vessel operator
 - From outside classified production areas
 - From Class B or C areas,
 - From areas which has not been opened from biotoxin perspective.

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- Supply of molluscan products other than entire live bivalve molluscs
- More than 30kg per week per consumer
- More than 30 kg per week per local retail establishment
- Supply to distant retail establishments
- Scallops are a particular bivalve mollusc whose safety is generally assured through removal of toxin-containing parts. Supply of mollusc-parts or supply from non-classified areas is not permitted under this exemption. This exemption general does not apply to scallops as it is extremely unlikely that any area will have a biotoxin open status allowing for the sale of scallops an entire LBM, therefore you should generally assume this derogation does not permit the sale of scallop.

Food Safety & Hygiene

- Primary products must be handled and processed according to food safety legislation requirements.
- The production of fishery products requires attention to hygiene to ensure food safety.

Traceability

- To maintain appropriate traceability records the following elements should be maintained accurately – fishing logbook, landing declaration and weigh record.
- Under 10m - If a commercial fishing vessel is not required to maintain a fishing logbook. Their traceability will be undertaken by maintaining weigh records.

Labelling

- The minimum information required, which may be labelled or displayed using a sign/notice at the point of sale is:
 - **Species name (Common and Scientific),**
 - **Catch Area,**
 - **Method of production (caught or farmed)**
 - **Fishing gear (for wild caught fish)**
- These mandatory labelling obligations do not apply to the direct sale from a fishing vessel to consumers of fishery or aquaculture product which does not exceed €50 in value per day.

Weighing of fishery products

All fishery products have to be weighed immediately on landing. A vessel operator selling directly to the final consumer is responsible for the accuracy and record keeping of the weighing. Vessel operators must:

- Use approved (calibrated) weighing systems in accordance with NSAI and SFPA (SFPA Covid 19 exemption - As it may be challenging to get weighing systems calibrated, we will accept weighing systems awaiting calibration).
- Record the minimum information required for weigh records;
 - ✓ FAO alpha-3 code of species

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- ✓ Weight of each species (kg)
- ✓ External ID number and name of fishing vessel
- ✓ Presentation of the fishery products
- ✓ Date of weighing
- The figure resulting from the weighing shall be used in the completion of the landing declaration and weighing records.
- Maintain weigh records of a period of three years.

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