

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 211 final

Brussels, 27 April 1989

Proposal for a  
COUNCIL REGULATION (EEC)

laying down common marketing standards for preserved sardines

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(presented by the Commission)

## EXPLANATORY MEMORANDUM

In August 1987 the Commission presented the Council with a report on the situation and outlook as regards the market for sardines in the Community (doc. COM(87) 219 final of 7 August 1987). The report highlighted a number of problems specific to the sardine sector and emphasized the importance of the canning industry as an outlet for fishermen's produce and the role of that industry within the Community sardine market.

After the Council had studied the report the Commission undertook, in a statement to the Council, to propose appropriate measures, as part of a comprehensive and consistent approach to the problems facing the sardine sector, both in respect of the market organization and in the context of the existing structural policy.

Within this overall framework, preserved sardines received special attention. The Member States and the Commission felt that there was a need to make this branch of production more profitable by improving product quality and harmonizing the existing marketing standards. The Commission undertook to present the Council with a proposal along these lines before 30 April 1989.

The result is this draft Regulation which lays down, on the basis of Article 2 of Council Regulation (EEC) No 3796/81 on the common organization of the market in fishery products, which is itself based on Articles 42 and 43 of the Treaty, common marketing standards for preserved sardines marketed in the Community for human consumption. Generally speaking, these standards, which apply only to the finished product, do not affect the rules which already apply or which are being prepared concerning the various ingredients used as raw materials in the manufacture of the finished product, the public health aspects or the provision of information to consumers by means of labelling. Their main purpose is to promote the production of high-quality products while forming no barrier to the introduction of new products which could appear on the market as the result of advances in technology or in response to consumer demand.

With a view to ensuring market transparency in the interests both of Community sardine producers and of consumers, the draft standards provide that products made from fish other than sardines (*Sardina pilchardus* Walbaum) and products whose fish content is not above a certain level may not be marketed in the Community as preserved sardines.

The non-exhaustive list of fish preparations and covering media makes it possible, with a view to providing the consumer with more information, to modify the trade description of the finished product by reference to the type of culinary preparation proposed, taking account in particular of the fish content of the finished product.

In addition, technical criteria are laid down to prevent unsatisfactory products from being placed on sale in the Community.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products<sup>1</sup>, as last amended by Regulation (EEC) No 3468/88<sup>2</sup>, and in particular Article 2(3) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 3796/81 provides for the possibility of adopting common marketing standards for fishery products in the Community, particularly in order to keep products of unsatisfactory quality off the market and to facilitate trade relations based on fair competition;

Whereas the adoption of such standards for preserved sardines is likely to improve the profitability of sardine production in the Community, and the market outlets therefor, and to facilitate the marketing of the products;

Whereas it must be specified in this context, particularly in order to ensure market transparency, that the products concerned must be prepared exclusively with fish of the species *Sardina pilchardus* Walbaum and must contain a minimum quantity of fish;

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1 OJ No L 379, 31.12.1981, p. 1.

2 OJ No L 305, 10.11.1988, p. 1.

Whereas, in order to ensure good market presentation, the criteria for the preparation of the fish prior to packaging, the presentations in which it may be marketed and the covering media and additional ingredients which may be used should be laid down; whereas these criteria must not be such as to preclude the introduction of new products onto the market;

Whereas, to prevent the marketing of unsatisfactory products, certain criteria which preserved sardines must satisfy in order to be marketed in the Community for human consumption should be defined;

Whereas Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer<sup>1</sup> and Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain pre-packaged products<sup>2</sup> specify the particulars required for correct information and protection of the consumer as regards the contents of packages; whereas, for preserved sardines, the trade description should be determined according to the culinary preparation proposed, having particular regard to the ratio between the various ingredients in the finished product; whereas, where the covering medium is oil, the way in which the oil must be described should be specified;

Whereas the conformity of manufacturing batches with the requirements of this Regulation should be assessed on the basis of the sampling plan provided for in Directive 76/211/EEC;

Whereas the Commission should have responsibility for the adoption of any technical implementing measures,

HAS ADOPTED THIS REGULATION:

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1 OJ No L 33, 8.2.1979, p. 1.

2 OJ No L 46, 21.2.1976, p. 1.

ARTICLE 1

This Regulation defines the standards governing the marketing of preserved sardines in the Community.

ARTICLE 2

Only products meeting the following requirements may be marketed as preserved sardines and described in accordance with Article 7:

- they must be covered by codes ex 1604 13 10 and ex 1604 20 50 of the combined nomenclature;
- they must be prepared exclusively from fish of the species *Sardina pilchardus* Walbaum;
- they must be pre-packaged with an appropriate covering medium in a hermetically sealed container;
- they must be sterilized by appropriate treatment;
- the weight of fish in the container after sterilization must exceed 30% of the net weight.

ARTICLE 3

The sardines must, to the extent required for good market presentation, be appropriately trimmed of the head, gills, caudal fin and internal organs other than the ova, milt and kidneys, and, according to the market presentation concerned, backbone and skin.

ARTICLE 4

Preserved sardines may be marketed in any of the following presentations:

1. SARDINES: the basic product, without the head, gills, scales, internal organs and caudal fin. The head must be removed by making a cut perpendicular to the backbone, close to the gills.
2. SARDINES WITHOUT BONES: as the basic product, but with the additional removal of backbone.
3. SARDINES WITHOUT SKIN OR BONES: as the basic product, but with the additional removal of the backbone and skin.
4. SARDINE FILLETS: portions of flesh obtained by cuts parallel to the backbone, along the entire length of the fish, or a part thereof, after removal of the backbone, fins and edge of the stomach lining. Fillets may be presented with or without skin.
5. SARDINE TRUNKS: sardine portions adjacent to the head, measuring at least 3 cm in length, obtained from the basic product by making transverse cuts across the backbone.
6. Any other form of presentation, on condition that it is clearly distinguished from the other presentations defined in this Article.

#### Article 5

For the purposes of the trade descriptions laid down in Article 7, a distinction is made between the following covering media, or a mixture thereof, with or without the addition of other ingredients:

1. olive oil;
2. refined vegetable oils, used singly or in mixtures;
3. tomato sauce;
4. natural juice (liquid exuding from the fish during cooking), saline solution or water;
5. marinade, with or without wine;
6. any other covering medium, on condition that it is clearly distinguished from the other covering media defined in this Article.



ARTICLE 6

1. After sterilization, the products in the container must satisfy the following minimum criteria:

(a) as regards the fish:

(i) in all cases the fish must present the appearance and colour characteristic of the species *Sardina pilchardus* Walbaum and of the type of culinary preparation indicated in the trade description;

(ii) for the presentations defined in points 1 to 5 of Article 4, the sardines or parts of sardine must:

- be reasonably uniform in size and arranged in an orderly manner in the container;
- be readily separable from each other;
- present no significant breaks in the abdominal wall;
- present no breaks or tears in the flesh;
- present no yellowing of tissues, with the exception of slight traces;
- comprise flesh of normal consistency. The flesh must not be excessively fibrous or soft or spongy;
- comprise flesh of a light or pinkish colour, with no reddening round the backbone, with the exception of slight traces;

- (b) the covering medium must have the colour and consistency characteristic of its description and the ingredients used. In the case of an oil medium, the oil may not present a dark or deep colour (except in the case of smoked products) or contain aqueous exudate in excess of 8% of net weight;
  - (c) the product must present the odour and flavour characteristic of the species *Sardina pilchardus* Walbaum and the type of covering medium, and must be free of any abnormal odour, sharp or disagreeable taste, in particular bitterness, or taste of oxidation or rancidity;
  - (d) the product must be free of any foreign bodies;
  - (e) in the case of products with bones, the backbone must be readily friable and separable with the thumb and forefinger;
  - (f) products without skin and without bones must present no significant residues thereof.
2. The container may not present external oxidation or deformation affecting good presentation.

#### ARTICLE 7

Without prejudice to Directives 79/112/EEC and 76/211/EEC, the trade description on the pre-packaging of preserved sardines must correspond to the ratio between the weight of fish in the container after sterilization and the net weight, expressed in grammes.

- (a) Where the ratio is not less than the following values,
  - (i) for the presentation defined in point 1 of Article 4:  
65%, irrespective of the covering medium,

- (ii) for the presentations defined in points 2 to 5 of Article 4:
- 60%, for the covering media listed in points 1 to 5 of Article 5,
  - 50%, where the covering medium is a sauce other than tomato sauce, with or without accompanying vegetables as constituents of the sauce,

the trade description must correspond to the presentation of the fish, on the basis of the corresponding designation given in Article 4. The designation of the covering medium must form an integral part of the trade description.

In the case of products in oil, the covering medium must be designated by one of the following expressions:

- "in olive oil", if olive oil is used,
- "in vegetable oil", if other refined vegetable oils or mixtures thereof are used, or
- "in ... oil", indicating the specific origin of the oil.

(b) In the case of culinary preparations other than those defined in (a), where the ratio is lower than the values specified therein, the trade description must indicate the specific nature of the culinary preparation.

(c) The trade description, as defined in this Article, must be reserved for the products referred to in Article 2.

ARTICLE 8

Inspection by the Member States, as referred to in Article 4 of Regulation (EEC) No 3796/81, shall be extended, for the products covered by this Regulation, to the manufacturing stage.

The conformity of manufacturing batches shall be assessed on the basis of the sampling plan provided for in Directive 76/211/EEC.

ARTICLE 9

Where necessary, the Commission shall adopt, in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 3796/81, the measures necessary to apply this Regulation.

ARTICLE 10

This Regulation shall enter into force on the third day after its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels

for the Council

### Impact on SME and employment

The proposed marketing standards aim to defend and improve the image of preservations of sardines to the consumer in order to promote their consumption.

This support promotes the producer companies of this product, which in some area of the Community, are mainly SME, and indirectly employment. It is, however, impossible to calculate its exact impact on employment.

All national associations of producers that have been contacted during the preparation of this draft have given a positive opinion of the introduction of such standards.

Commission of the European Communities

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