



Llywodraeth Cymru
Welsh Government



Registered Buyers and Sellers: Frequently Asked Questions

1

What is first-sale fish?

'First-sale fish' means fish and shellfish from a UK, or until 1st January 2020, a European Union fishing vessel, which is offered for sale for the first time. This includes fish below the minimum conservation reference size (MCRS – also known as 'undersize') brought ashore in accordance with the landing obligation (also known as the 'discard ban').

2

At what point does first-sale take place?

First-sale is considered to have taken place when the legal ownership of the fish or fisheries products changes from the vessel landing the fish to another business, person or legal entity. This could occur before any prices or financial settlement has been agreed.

3

Who can buy first-sale fish?

To purchase first-sale fish from a UK or European Union fishing vessel (directly or from the vessel's agent) you must be a registered buyer unless you are only buying less than 25kg of fish a day for your own consumption, in which case you do not need to be registered. If you only buy fish from a designated auction site you do not need to be registered. If you only buy fish from a merchant or wholesaler then this is 'second-sale' (i.e. it has been purchased previously) and you do not need to be registered.

4

What are my responsibilities as a Registered Buyer or Seller?

As a registered buyer or seller of fish you must:

- ensure fish is weighed prior to first-sale and maintain appropriate records
- keep a record of each sale of fish for three years
- make records available for inspection at the notified location
- complete and submit a sales note to the Welsh Government for each transaction
- submit sales notes electronically where turnover exceeds €200k

Although you are allowed to submit paper sales notes where your turnover is less than €200k, you are encouraged to submit sales notes electronically through ERS wherever possible.

You will also need to comply with requirements for the traceability of fish, which includes transport, weighing and labelling of fish. Further information on this can be found on the gov.uk website here: www.gov.uk/government/publications/how-to-trace-weigh-and-distribute-fish-products/traceability-and-labelling-information.

5

What information should I include on a sales note?

You must record the following information on your sales note:

- **The three letter (FAO Alpha-3 code) species code(s) for each species purchased.** You must use the code specific to each species and not a generic code. For example, use RJC to record Thornback Ray not SRX (all 'skate and rays'). A list of common species codes can be found on the gov.uk website, here: www.gov.uk/government/publications/buyers-and-sellers-of-first-sale-fish-and-submission-of-sales-notes/list-of-common-species-codes-for-fish-landed-in-the-united-kingdom.
- **The area where the fish was caught.** This is the relevant International Council for the Exploration of the Seas (ICES) division or sub-division, where the vessel caught the fish. A map of these areas can be found on the Europa website here: https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/fishing_areas_en.pdf
- **The quantities of each species by presentation type and state.** The weight must be recorded in kilograms (kg) except when regulations require you to record the number of individual fish. The presentation type means how the fish is processed, e.g. fillet, whole, etc. The presentation state means how the fish is treated, e.g. fresh, frozen, salted, etc. If you buy or sell quantities of fish in different forms, you must record each presentation type and state separately.
- **The marketing standards information.** If you buy fish that is subject to marketing standards, you must indicate how the fish has been sorted and graded according to size and freshness.
- **The price of each species sold, and where necessary, the price of the grade of that species.** This should be the price in the currency of the transaction.
- **Destination of withdrawn fish.** If you are a producer organisation (PO) and you offer fish for first-sale that is then withdrawn from market, you must state the storage destination.
- **Quantities and destination of fish below the MCRS.** This must be recorded in kg net weight.

6

What should I do once I have created a sales note?

- a) If your annual financial turnover in first sales of fisheries products is less than €200 000: You, the buyer, must submit your paper or electronic sales note, to the Welsh Government within 48 hours of purchasing your fish.
- b) If your annual financial turnover in first sales of fisheries products is €200 000 or more: You, the buyer, must transmit your electronic sales note, to the Welsh Government within 24 hours of purchasing your fish using the UK Electronic Reporting System (ERS).

7

Why do I need to record the details of 'first-sale' fish that I purchase?

Fisheries legislation states that you, the buyer or seller of 'First Sale' fish are required to accurately record the details of your transaction on a sales note. You must always remember that it is the responsibility of the Seller or the Buyer of first-sale fish to ensure that all the information recorded in the sales note is accurate.

8

How is the information I provide in my sales notes used?

The data you provide gives Welsh Government the evidence needed to make the right decisions for the future sustainability of fish stocks and the seafood industry. This includes quota management, conservation measures and awarding grant funding.

It now has additional importance in fish exports as any catch certificates required for any exported fisheries products will be validated through the data provided by the fisher and merchant. It is vital that the data, including date of landing, is entered correctly on sales notes.

9

How does this benefit me or my business?

Submitting accurate sales notes to the Welsh Government on time keeps you compliant with your legal obligations. Operating within the law and ensuring your products are fully traceable gives confidence to your customers and gives you the ability to export your products following EU Exit.

10

What happens if I fail to submit sales notes correctly or on time?

The Welsh Government would not get the data that it needs to ensure sustainable management, and demonstrate sustainability and traceability of your fish. This could include our ability to validate exports of fish to EC countries. As this is a legal requirement, there is also a risk that enforcement action could be taken against you.

If your questions have not been answered in this document, or by visiting our website, please contact us on **03000 253500** or email **milfordhavenfisheriesoffice@gov.wales**. Alternatively, please speak with your local Marine Enforcement Officer.