

## Information-note on traceability of fishery and aquaculture products under Regulation (EC) No 1224/2009, as amended by Regulation (EU) 2023/2842<sup>1</sup>

This information-note has been prepared to clarify certain control provisions included in Title V ('Control in the supply chain') of Regulation (EC) No 1224/2009 ('the Control Regulation'), as amended by Regulation (EU) 2023/2842. These provisions concern, among other things, the new traceability requirements for the recording and digital transmission of lot information for certain fishery and aquaculture products (FAPs) falling under Chapter 3 of the Combined Nomenclature,<sup>2</sup> which apply as from 10 January 2026.

This information-note is provided in light of the comments and questions received from Member States and stakeholders regarding the implementation of the new traceability requirements, particularly following the stakeholder consultation launched by the Commission services prior to the adoption of Commission Delegated Regulation (EU) 2025/1766.<sup>3</sup> The latter, in its earlier draft version, included two dedicated provisions on the traceability of FAPs. These provisions were proposed under the empowerment granted by the co-legislators in Article 58(12) of the revised Control Regulation, which allows for the (optional)<sup>4</sup> adoption of measures supplementing those laid down in Title V of the Regulation.

The decision to ultimately remove the two traceability articles from the draft was driven by the need to address certain concerns raised by some consulted stakeholders regarding the practical application of the proposed rules. In this context, it should be noted that neither of the two draft provisions introduced essential elements for the implementation of the traceability requirements established by Regulation (EU) 2023/2842 (in force from 9 January 2024), for which the co-legislators did not, in fact, envisage any mandatory use of the empowerment under Article 58(12).

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<sup>1</sup> This information-note reflects the position of the relevant service of the European Commission and does not necessarily represent the position of the Commission as a whole. Please note that, pursuant to Article 267 of the Treaty on the Functioning of the European Union, only the Court of Justice of the European Union has jurisdiction to issue preliminary rulings on the validity and interpretation of acts of the EU institutions.

<sup>2</sup> Council Regulation (EEC) No 2658/87.

<sup>3</sup> Consultations on the draft delegated act were conducted from 15 July to 12 August 2025, in line with the standard consultation period.

<sup>4</sup> This is a voluntary empowerment ("The Commission *is empowered* to...") provided by the co-legislators, not a mandatory one such as those in Article 58(10) and (11) ("The Commission *shall* adopt...").

## **I. Recording and making available traceability information “in a digital way”**

Tracing “all lots of fishery and aquaculture products [...] at all stages of production, processing and distribution, from catching or harvesting to the retail stage”, ensuring that such lots are accompanied by a minimum set of information, and requiring operators to maintain “systems and procedures to identify any operator from whom they have been supplied with lots of fishery and aquaculture products and to whom these products have been supplied”, are obligations that have been in force in the Union since 2011.<sup>5</sup>

The revision of the fisheries control system, culminating in the adoption of Regulation (EU) 2023/2842, builds on the existing acquis while extending the scope of key traceability obligations to prepared, preserved and imported FAPs (as from 2029), and enhancing the rules on the recording and transmission of certain traceability data. These changes reflect technological developments and the need for more effective supply-chain controls, to the benefit of consumers, compliant operators and national authorities.

Article 58(6) of the revised Control Regulation requires operators of Chapter 3 FAPs to ensure that the minimum list of lot information set out in paragraph 5 is *(a)* kept on record and *(b)* made available “in a digital way” to the operator to whom the FAPs are supplied and, upon request, to the competent authorities of the Member State concerned. This obligation applies from the moment those FAPs are put into lots, which according to Article 56a(1) must occur before the products are placed on the market, up to the retail stage.

The requirement to record and make available “in a digital way” the information laid down in Article 58(5) follows the underlying logic of ensuring the identification of the immediate supplier and buyer. This aligns both with the general obligation in Article 58(3) of the revised Control Regulation and with the “one-step-back/one-step-forward” approach applied under Union food law (e.g. Commission Implementing Regulation (EU) No 931/2011).

The obligation is formulated in a technologically neutral way, allowing compliance through a range of means enabling digital data transmission, without requiring the development or use of specific digital systems or means across the entire supply chain.<sup>6</sup>

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<sup>5</sup> Control Regulation (pre-revision), Article 58(1) to (5). See Article 124(a) of the Control Regulation, which deferred the application of Article 58 until 1 January 2011.

<sup>6</sup> In practice, operators already may arguably meet this requirement using basic electronic tools, including manual data input. Digital transmission could be understood as referring to the transfer of information using electronic means that allow data to be created, stored, sent, and received in a digital format. This includes, for example, sending data via email, electronic files (such as PDF, XML, or CSV), online platforms, or any other electronic system capable of transmitting information in a non-paper, digital way.

In the short term, compliance with Article 58 of the revised Control Regulation, as from 10 January 2026, requires no more than the transmission of the relevant lot information to the immediate supplier or buyer in a digital format, rather than in paper form, with a view to facilitating the flow, retention, and verifiability of data. This minimum standard, which is readily implementable by all operators, including small ones, does not preclude stakeholders from adopting more advanced solutions, as is already the case for several operators, including the use of specific interoperable standards and systems (e.g., GS1/GDST/barcodes).

In line with the digitalisation and simplification objectives underpinning the fisheries control revision, certain common standards for transmission ought to be envisaged to support operators and Member States in their implementation work and thus alleviate administrative burden. Ensuring the interoperability of systems for data transfer and access is an important objective in that context.

The empowerment under Article 58(12) provides a basis to further support the harmonisation of the minimum data content to be recorded and transmitted pursuant to Article 58(6), broadly mirroring the approach followed in Annex XV to Commission Implementing Regulation (EU) 2025/2196 for catch-related data. A degree of flexibility to cater for specific circumstances (e.g. certain categories of lots) would need to be considered.

The above is, of course, without prejudice to the exemptions applicable to small quantities of FAPs<sup>7</sup> sold directly to consumers from catching vessels or aquaculture production units for private consumption, as provided for in Article 58(8).

## **II. Way forward**

In line with the inclusive approach already followed for the preparation and adoption of Commission Implementing Regulation (EU) 2025/2196 and Commission Delegated Regulation (EU) 2025/1766, the Commission services aim to engage with Member State experts and stakeholders in developing the supplementary legislation under Article 58(12) of the revised Control Regulation.

To collect more technical input from stakeholders we have, prepared a questionnaire ([available at this link](#)) . This will be used to organise a meeting with Member State experts, where we will present the consultation findings and discuss potential solutions. If Member States or operators have already participated in technical discussions with the Commission

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<sup>7</sup> Up to 10 kg or two individuals of Baltic salmon per consumer per day.

services or provided input for the ongoing traceability study under Article 58(9) of the revised Control Regulation (for prepared and preserved FAPs, in advance of the date of application of traceability provisions in January 2029) they do not need to resubmit the same information through the questionnaire.

We kindly request your assistance in circulating this information with appropriate national stakeholders and your services responsible for the traceability of FAPs. Our objective is to maximise technical input on this matter.

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