



STATUTORY INSTRUMENTS

S.I. No. 61 of 2009

EUROPEAN COMMUNITIES (LABELLING, PRESENTATION AND
ADVERTISING OF FOODSTUFFS) (AMENDMENT) REGULATIONS
2009

(Prn. A9/0283)

EUROPEAN COMMUNITIES (LABELLING, PRESENTATION AND
ADVERTISING OF FOODSTUFFS) (AMENDMENT) REGULATIONS
2009

I, MARY HARNEY, Minister for Health and Children, in exercise of the power conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 2000/13/EC¹ of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs and for the purpose of giving effect to Commission Directive 2008/5/EC² of 30 January 2008 concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Directive 2000/13/EC¹ of the European Parliament and of the Council, hereby make the following Regulations:

1. (1) These Regulations may be cited as the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2009.

(2) The Principal Regulations, the Regulations of 2003, the Regulations of 2005, the Regulations of 2007, the Regulations of 2008 and these Regulations may be cited together as the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations 2002 to 2009.

2. In these Regulations —

“Principal Regulations” means the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations 2002 (S.I. No. 483 of 2002);

“Regulations of 2003” means the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2003 (S.I. No. 257 of 2003), the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No. 2) Regulations 2003 (S.I. No. 451 of 2003) and the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No. 3) Regulations 2003 (S.I. No. 528 of 2003);

“Regulations of 2005” means the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2005 (S.I. No. 228 of 2005), the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No. 2) Regulations 2005 (S.I. No. 514 of 2005) and the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No. 3) Regulations 2005 (S.I. No. 647 of 2005);

¹ OJ L 109, 6.5.2000, p. 29.

² OJ L 27, 31.1.2008, p. 12.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 24th February, 2009.*

“Regulations of 2007” means the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2007 (S.I. No. 376 of 2007) and the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No. 2) Regulations 2007 (S.I. No. 808 of 2007), and

“Regulations of 2008” means the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2008 (S.I. No. 424 of 2008).

3. The Principal Regulations are amended —

- (a) in Regulation 2(1), by inserting the following words before the definition of “advertise”:

“ ‘Act of 1998’ means the Food Safety Authority of Ireland Act 1998 (No. 29 of 1998);”;

- (b) in Regulation 2(1), by substituting the following definition for the definition of “authorised officer”:

“ ‘authorised officer’ means an authorised officer appointed under section 49 of the Act of 1998;”;

- (c) in Regulation 2(1), by inserting the following definition after the definition of “authorised officer”:

“ ‘Authority’ means the Food Safety Authority of Ireland, established under section 9 of the Act of 1998;”;

- (d) in the definition of “Directives” in Regulation 2(1), by substituting “Commission Directive 2008/5/EC of 30 January 2008” for the following words:

“Commission Directive No. 94/54/EC of 18 November 1994 (as amended by Council Directive No. 96/21/EC of 29 March 1996 and by Commission Directive 2004/77/EC of 29 April 2004)”;

- (e) in Regulation 2(1), by deleting the definition of “health board”;

- (f) in Regulation 2(1), by inserting the following words before the definition of “sell”:

“ ‘official agency’ means an official agency carrying out functions under a service contract and acting on behalf of the Authority pursuant to section 48 of the Act of 1998;”;

- (g) in Regulation 2(1), by inserting the following definition after the definition of “sell”:

“ ‘service contract’ means a contract entered into between the Authority and an official agency pursuant to section 48 of the Act of 1998;”;

(h) by substituting the following regulation for Regulation 9:

“9. (1) Without prejudice to Article 3 of the Directive, the labelling of foodstuffs listed in Annex I to Commission Directive 2008/5/EC of 30 January 2008 shall include additional particulars as set out in that Annex.

(2) A person shall not sell, present or advertise foodstuffs, or provide free samples of foodstuffs, unless the labelling of the foodstuff complies with paragraph (1).

(3) A person who fails to comply with paragraph (2) is guilty of an offence.”;

(i) by deleting Regulation 10;

(j) by deleting Regulation 15;

(k) in Regulation 16, by deleting paragraph (1), and

(l) in Regulation 19, by substituting for paragraph (1) the following:

“(1) An offence under these Regulations may be prosecuted by —

(a) the Authority, or

(b) an official agency.”



GIVEN under my Official Seal,
20 February 2009

MARY HARNEY,
Minister for Health and Children.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations amend the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations 2002 (S.I. No. 483 of 2002), as last amended by the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2008 (S.I. No. 424 of 2008).

These Regulations may be cited as the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2009.

These Regulations implement Commission Directive 2008/5/EC of 30 January 2008 concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Directive 2000/13/EC of the European Parliament and of the Council. These Regulations also introduce new definitions including a revised definition of “authorised officer”.

BAILE ÁTHA CLIATH
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AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
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