

S.I. No. 129/2011 — European Communities (Extraction Solvents used in the Production of Foodstuffs and Food Ingredients) (Amendment) Regulations 2011.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 29th March, 2011.*

I, JAMES REILLY, Minister for Health and Children, in exercise of the powers 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 2009/32/EC of the European Parliament and of the Council of 23 April 2009¹, as amended by Commission Directive 2010/59/EU of 26 August 2010², hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Extraction Solvents used in the Production of Foodstuffs and Food Ingredients) (Amendment) Regulations 2011.

(2) The Principal Regulations and these Regulations may be cited together as the European Communities (Extraction Solvents used in the Production of Foodstuffs and Food Ingredients) Regulations 2010 to 2011.

2. In these Regulations—

“Principal Regulations” means the European Communities (Extraction Solvents used in the Production of Foodstuffs and Food Ingredients) Regulations 2010 (S.I. No. 119 of 2010).

3. The Principal Regulations are amended—

(a) in Regulation 2(1), by substituting for the definition of “Directive” the following—

“‘Directive’ means Directive 2009/32/EC of the European Parliament and of the Council of 23 April 2009¹ on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients, as amended by Commission Directive 2010/59/EU of 26 August 2010^{1A},”

and by adding the following footnote thereto:

“1A OJ No. L 225, 27.8.2010, p.10.”,

(b) in Regulation 24, by substituting for paragraph (2)(a) the following—

“(a) on summary conviction, to a class A fine or at the discretion of the court to imprisonment for a term not exceeding 6 months, or both, or”,

(c) in Regulation 24, by inserting after paragraph (3) the following—

“(4) Where a person is convicted of an offence under these Regulations, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Authority or the official agency, as the case may be, the costs and expenses, measured by the court, incurred by the Authority or official agency in relation to the investigation, detection and prosecution of the offence, including costs and expenses incurred in the taking of samples, the carrying out of tests, examinations and analyses and in respect of the remuneration and other expenses of employees, consultants and advisors engaged by the Authority or official agency.

(5) An order for costs and expenses under paragraph (4) is in addition to, and not instead of, any fine or penalty the court may impose under paragraph (2).”.



GIVEN under my Official Seal,

28 March 2011.

JAMES REILLY,

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 give further effect to Directive 2009/32/EC of the European Parliament and of the Council of 23 April 2009, as amended by Commission Directive 2010/59/EU of 26 August 2010.

These Regulations amend the European Communities (Extraction Solvents used in the Production of Foodstuffs and Food Ingredients) Regulations 2010 (S.I. No. 119 of 2010) in the manner specified in these Regulations.

These Regulations may be cited as the European Communities (Extraction Solvents used in the Production of Foodstuffs and Food Ingredients) (Amendment) Regulations 2011.

1 OJ No. L 141, 6.6.2009, p.3

2 OJ No. L 225, 27.8.2010, p.10

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