

S.I. No. 435/2000 — European Communities (Labelling of Beef and Beef Products) Regulations, 2000.

STATUTORY INSTRUMENTS.

S.I. No. 435 of 2000.

EUROPEAN COMMUNITIES (LABELLING OF BEEF AND BEEF PRODUCTS)
REGULATIONS, 2000.

S.I. No. 435 of 2000

EUROPEAN COMMUNITIES (LABELLING OF BEEF AND BEEF PRODUCTS)
REGULATIONS, 2000.

I, JOE WALSH, Minister for Agriculture, Food and Rural Development, 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 effect to Articles 11 to 24 of the European Parliament and Council Regulation (EC) No. 1760/2000 of 17 July 2000¹ and Commission Regulation (EC) No. 1825/2000 of 25 August 2000², hereby make the following Regulations:

1. These Regulations may be cited as the European Communities (Labelling of Beef and Beef Products) Regulations, 2000.

2. (1) In these Regulations—

“Minister” means the Minister for Agriculture, Food and Rural Development;

“authorised officer” means a person who, for the time being, stands appointed as an authorised officer under these Regulations;

“Parliament and Council Regulation” means the European Parliament and Council Regulation (EC) No. 1760/2000 of 17 July 2000;

“Commission Regulation” means Commission Regulation (EC) No. 1825/2000 of 25 August 2000.

(2) A word or expression that is used in these Regulations and is also used in the Parliament and Council Regulation or in the Commission Regulation has, unless the contrary intention appears, the same meaning in these Regulations that it has in the Parliament and Council Regulation or in the Commission Regulation, as the case may be.

3. For the purpose of the Parliament and Council Regulation and the Commission Regulation, the competent authority in the State shall be the Minister.

4. (1) Operators shall prepare and keep up-to-date a written plan detailing the procedures used to ensure that the compulsory traceability statements indicated on their labels on beef and beef products are accurate.

(2) In the case of every operator with export approved premises, a copy of that plan referred to in paragraph (1) of this Regulation shall be submitted by the operator concerned in respect of each such premises to the Department of Agriculture, Food & Rural Development.

(3) Every plan prepared for the purposes of paragraph (1) of this Regulation shall be retained for inspection by an authorised officer.

(4) Paragraph (2) of this Regulation shall apply to every operator and, where the plan concerned has been prepared by a group of operators from the same or different parts of the beef trade (in the Parliament and Council Regulation defined as an “organisation”), shall also apply to every such organisation.

5. Operators and organisations shall retain for a period of at least 2 years all documents or systems records relating to beef labelling and shall present those documents for inspection to an authorised officer when requested to do so.

6. Where any beef or beef products is labelled with voluntary information pursuant to Section II of Title II of the Parliament and Council Regulations, the Minister

(a) may authorise independent control bodies for the purposes of carrying out controls required under the Parliament and Council Regulation and the Commission Regulation, and

(b) may refuse to grant or may revoke an approval, if he or she is not satisfied that the provisions of these Regulations, the Parliament and Council Regulation or the Commission Regulation are being complied with.

7. (1) (a) The Minister may appoint such and so many persons as he or she thinks fit to be authorised officers for the purposes of these Regulations.

- (b) A local authority may appoint such and so many of its officers as it thinks fit to be authorised officers for the purposes of these Regulations.
- (c) A health board may appoint such and so many of its officers as it thinks fit to be authorised officers for the purposes of these Regulations.

(2) Every local authority and health board may exercise its functions under these Regulations within its functional area and, where two or more of them have by agreement duly provided pursuant to any other enactment for—

- (a) the joint discharge of any of their respective functions under these Regulations
or
- (b) the exercise by one or more of them on behalf of others of them of any of their functions under these Regulations

may also exercise those functions in the functional areas concerned as provided for in that agreement.

(3) In this Regulation—

“health board” means—

- (a) a health board established under the Health Act, 1970 (No. 1 of 1970) ,
- (b) the Eastern Regional Health Authority, or
- (c) an Area Health Board established under the Health (Eastern Regional Health Authority) Act, 1999 (No. 13 of 1999)

“local authority” means—

- (a) the corporation of a county borough, or
- (b) the council of administrative county,

and the functional area of a local authority for the purposes of these Regulations is the county borough, or as the case may be, the administrative county of that authority.

8. (1) An authorised officer shall be furnished with a warrant of his or her appointment as an authorised officer.

(2) An authorised officer shall, when exercising any power conferred on him or her by these Regulations and if requested by any person affected, produce to that person—

(a) in the case of an authorised officer appointed by the Minister, a composite identity card issued under section 17 of the Animal Remedies Act, 1993 (No. 23 of 1993), which refers to these Regulations, or

(b) in any case, his or her warrant of appointment as an authorised officer for the purposes of these Regulations.

9. An authorised officer may, at all reasonable times, enter any premises to which Article 7 of the Commission Regulation relates in which he or she has reasonable grounds for believing that any beef or beef products are kept, sold or manufactured and there or at any other place, inspect and take copies of or extracts from any books, records or other documents which he or she finds in the course of his or her inspection, as he or she may consider appropriate for the purposes of these Regulations, the Parliament and Council Regulation or the Commission Regulation.

10. An authorised officer may require the removal from the market of beef or beef products which—

(a) do not comply with the requirements of the compulsory Community beef labelling system

(b) bear voluntary labelling claims which have not been duly approved pursuant to Article 16 of the Parliament and Council Regulation, or

(c) do not conform to their labels

until it is re-labelled in conformity with the requirements of these Regulations, the Parliament and Council Regulation and the Commission Regulation.

11. The Minister and authorised officers may disclose to the competent authorities of another Member State or the Commission any information required to be so disclosed by virtue of either the Parliament and Council Regulation or the Commission Regulation.

12. A person shall not obstruct or impede an authorised officer in the execution of these Regulations, the Parliament and Council Regulation or the Commission Regulation.

13. A person who, on or after 1 January 2001, contravenes a provision of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 6 months or to both.

14. Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an

offence and shall be liable to be proceeded against and punished as if he or she were guilty of the firstmentioned offence.

15. An offence under these Regulations may be prosecuted by the Minister.

16. (1) The European Communities (Labelling of Beef and Beef Products) Regulations, 1998 (S.I. No 31 of 1998) and the European Communities (Labelling of Beef and Beef Products) (Amendment) Regulations, 1998 (S.I. No. 230 of 1998) are revoked.

(2) Notwithstanding the revocation of the Regulations referred to in paragraph (1) of this Regulation, voluntary labelling specifications approved by the Minister in accordance with the revoked Regulations—

(a) may continue to be used where they are not at variance with the requirements of the Parliament and Council Regulation, the Commission Regulation and these Regulations, and

(b) shall be deemed to have been duly approved by the Minister for the purposes of the Parliament and Council Regulation.

GIVEN under my Official Seal, this 15th day of December, 2000.

JOE WALSH,

Minister for Agriculture, Food and Rural Development.

EXPLANATORY NOTE.

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

The purpose of these Regulations is to implement the beef labelling requirements of European Parliament and Council Regulation (EC) No. 1760/2000 as expanded by Commission Regulation (EC) No. 1825/2000. These Regulations provide that operators or organisations involved in the production or marketing of beef or veal must label their product with certain compulsory indications of traceability. The Regulations also provide for approval of additional voluntary labelling claims.

¹O.J. No. L204 of 11/8/2000, p. 1

²O.J. No. L216 of 26/8/2000, p. 8

