

# **S.I. No. 281/2000 — European Communities (Marketing of Coffee Extracts and Chicory Extracts) Regulations, 2000.**

STATUTORY INSTRUMENTS.

**S.I. No. 281 of 2000**

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EUROPEAN COMMUNITIES (MARKETING OF COFFEE EXTRACTS AND  
CHICORY EXTRACTS) REGULATIONS, 2000.

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CHICORY EXTRACTS) 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 purposes of giving effect to Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999<sup>1</sup> , hereby make the following Regulations:

1. These Regulations may be cited as the European Communities (Marketing of Coffee Extracts and Chicory Extracts) Regulations, 2000.

2. These Regulations shall come into force on 13 September 2000.

3. (1) In these Regulations:

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

“the Directive” means Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999;

“Annex” means the Annex to the Directive;

“authorised officer” means—

- (a) a person appointed in writing by the Minister to be an authorised officer for the purposes of these Regulations, or
- (b) an officer of a Health Board authorised in writing by the Chief Executive Officer of the Health Board to be an authorised officer for the purposes of the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 2000 ( S.I. No. 92 of 2000 ), or
- (c) a person appointed in writing by the Director of Consumer Affairs to be an authorised officer for the purposes of the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 2000 ( S.I. No. 92 of 2000 ).

(2) A word or expression that is used in these Regulations and is also used in the Directive has, unless the contrary intention appears, the meaning in these Regulations that it has in the Directive.

(3) Any reference in these Regulations to place on the market or to marketing includes a reference to barter, offer or expose for sale by wholesale or retail, or have in possession for sale by wholesale or retail and invite to buy, and kindred words shall be construed accordingly.

4. These Regulations apply to the coffee extracts and chicory extracts referred to in the Annex.

5. (1) The coffee extracts and chicory extracts to which these Regulations apply may be placed on the market from 13 September 2000 provided they comply with the provisions of the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 2000 ( S.I. No. 92 of 2000 ), subject to the conditions laid down in Article 2 of the Directive.

(2) Coffee extracts and chicory extracts which fail to comply with the provisions of these Regulations may not be placed on the market after 13 September 2001.

(3) Coffee extracts and chicory extracts labelled before 13 September 2001 in conformity with the European Communities (Coffee Extracts and Chicory Extracts) Regulations 1982 and 1988 may continue to be placed on the market until stocks are exhausted.

6. (1) An Authorised officer shall be furnished with a warrant of his or her appointment as an authorised officer and when exercising any power conferred by these Regulations, shall, if requested by any person affected, produce the warrant, to that person.

(2) A person shall not obstruct or interfere with an authorised officer in the course of exercising a power conferred on him or her by these Regulations and shall comply with a request made by such officer pursuant to these Regulations.

7. (1) An authorised officer may at all reasonable times enter—

- (a) any premises in which he or she has reasonable grounds for believing that coffee extracts or chicory extracts are kept, sold or being manufactured, or
  - (b) stop and enter any railway wagon, vehicle, ship, vessel or aircraft in which he or she has reasonable grounds for believing that coffee extracts or chicory extracts are being transported for sale or kept for sale,
- and
- (i) inspect such premises, railway wagon, vehicle, ship, vessel or aircraft,
  - (ii) inspect and take copies of or extracts from any books, documents or other records which he or she finds in the course of the inspection,
  - (iii) examine and copy any data or data material (within the meaning in each case of the Data Protection Act, 1988 ) he or she finds there, extract information from any such data and take extracts from any such material,
  - (iv) carry out such examinations, tests and inspections, as he or she may consider appropriate for the purposes of these Regulations, and
  - (v) take such samples, including samples of wrapping, packaging, labelling or advertising material as he or she may consider appropriate for the said purposes.

(2) A person in charge of premises or of a railway wagon, vehicle, ship, vessel or aircraft shall—

- (a) afford to an authorised officer such facilities and assistance as are reasonably necessary to enable the officer to perform his or her functions under this Regulation,
- (b) produce to an authorised officer any books, documents or other records or material that he or she may reasonably require,
- (c) give to an authorised officer any information that he or she may reasonably require regarding—
  - (i) any coffee extracts or chicory extracts on the premises or in the wagon, vehicle, ship, vessel or aircraft, or
  - (ii) any book, documents or other records or other material produced to him

or her pursuant to this Regulation.

(3) A sample pursuant to these Regulations shall be taken and dealt with in the manner prescribed under Regulation 15(3) of the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 2000 ( S.I. No. 92 of 2000 ).

8. (1) Any person who contravenes a provision of Regulation 5, 6(2), or 7(2) shall be guilty of an offence.

(2) A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding £1,500.

(3) 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 a director, manager, secretary or other officer of the body corporate, the director, manager, secretary or other officer or any person purporting to act in such capacity shall, as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

(4) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act, 1851, proceedings for an offence under these Regulations may be instituted within 12 months from the date of the offence.

9. An offence under these Regulations may be prosecuted by the Minister, the Director of Consumer Affairs or by a Health Board in whose functional area the offence was committed.

10. The European Communities (Coffee Extracts and Chicory Extracts) Regulations 1982 and 1988 shall cease to have effect on 13 September 2000.



GIVEN under my Official Seal, this 12th day of September, 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 give legal effect to Directive 1999/4/EC of the European Parliament and of the Council, which prescribes, and harmonises within the European Union from 13 September 2001, standards for the composition and labelling

of coffee extracts and chicory extracts.

These Regulations should be read in conjunction with Directive 1999/4/EC.

<sup>1</sup> O.J.L. 66 of 13.3.99. P.26

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