

S.I. No. 424/2008 — European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2008

S.I. No. 424 of 2008

EUROPEAN COMMUNITIES (LABELLING, PRESENTATION AND
ADVERTISING OF FOODSTUFFS) (AMENDMENT) REGULATIONS 2008

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 4th November, 2008.

I, MARY HARNEY, 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 effect to Commission Directive 2007/68/EC ¹ of 27 November 2007 amending Annex IIIa to Directive 2000/13/EC ² of the European Parliament and of the Council as regards certain food ingredients, hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2008.

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

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), and

“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).

3. The Principal Regulations are amended in Regulation 2(1) by—

(a) inserting the following words in the definition of “Directive” after “22 December 2006”:

“and by Commission Directive 2007/68/EC of 27 November 2007”;

and

(b) inserting the following words in the definition of “Directives” after “22 December 2006”:

“and by Commission Directive 2007/68/EC of 27 November 2007”.

4. (1) In the case of foodstuffs placed on the market or labelled before 31 May 2009, Annex IIIa of Directive 2000/13/EC shall be interpreted as excluding the ingredients or substances listed in the Schedule to these Regulations, and foodstuffs benefiting from such exclusion may be marketed until stocks are exhausted.

(2) Such provisions of these Regulations as give effect to Article 1 of Commission Directive 2007/68/EC1 of 27 November 2007, shall not apply to the foodstuffs referred to in paragraph (1).

SCHEDULE

List of food ingredients and substances provisionally excluded from Annex IIIa of Directive 2000/13/EC

Ingredients	Products thereof provisionally excluded
Cereals containing gluten	- Wheat based glucose syrups including dextrose (1)- Wheat based maltodextrins (1)- Glucose syrups based on barley- Cereals used in distillates for spirits
Eggs	- Lysozym (produced from egg) used in wine-Albumin (produced from egg) used as fining agent in wine and cider
Fish	- Fish gelatine used as carrier for vitamin or carotenoid preparations and flavours- Fish gelatine or Isinglass used as fining agent in beer, cider and wine
Soybean	- Fully refined soybean oil and fat (1)- Natural mixed tocopherols (E306), natural D-alpha tocopherol, natural D-alpha tocopherol acetate, natural D-alpha tocopherol succinate from soybean sources- Vegetable oils derived phytosterols and phytosterol esters from soybean sources- Plant stanol ester produced from vegetable oil sterols from soybean sources
Milk	- Whey used in distillates for spirits- Lactitol- Milk (casein) products used as fining agents in cider and wines
Nuts	- Nuts used in distillates for spirits- Nuts (almonds, walnuts) used (as flavour) in spirits
Celery	- Celery leaf and seed oil- Celery seed oleoresin

Mustard

- Mustard oil- Mustard seed
oil- Mustard seed oleoresin

(1) And products thereof, in so far as the process that they have undergone is not likely to increase the level of allergenicity assessed by the EFSA for the relevant product from which they originated.



GIVEN under my Official Seal,

30 October 2008

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 previously amended by 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), the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No. 3) Regulations 2003 (S.I. No. 528 of 2003), 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), the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No. 3) Regulations 2005 (S.I. No. 647 of 2005), 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).

These Regulations may be cited as the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2008.

These Regulations implement Commission Directive 2007/68/EC of 27 November 2007 amending Annex IIIa to Directive 2000/13/EC of the European Parliament and of the Council as regards certain food ingredients.

1 OJ L 310, 28.11.2007, p. 11.

2 OJ L 109, 6.5.2000, p. 29.

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