

S.I. No. 554/2007 — European Communities (Foodstuffs Intended for Particular Nutritional Uses) (Amendment) Regulations 2007

S.I. No. 554 of 2007

EUROPEAN COMMUNITIES (FOODSTUFFS INTENDED FOR PARTICULAR
NUTRITIONAL USES) (AMENDMENT) REGULATIONS 2007

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 31st July, 2007.

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 2007/26/EC¹ of 7 May 2007 amending Directive 2004/6/EC² to extend its period of application, hereby make the following regulations—

1. (1) These Regulations may be cited as the European Communities (Foodstuffs Intended for Particular Nutritional Uses) (Amendment) Regulations 2007.

(2) These Regulations and the Principal Regulations may be cited together as the European Communities (Foodstuffs Intended for Particular Nutritional Uses) Regulations 2006 and 2007.

2. In these Regulations, “Principal Regulations” means the European Communities (Foodstuffs Intended for Particular Nutritional Uses) Regulations 2006 (S.I. No. 579 of 2006).

3. The Principal Regulations are amended—

(a) in Regulation 1, by substituting for paragraph (2) the following paragraph:

“(2) Subject to Regulation 6A, these Regulations come into operation on 31 December 2006.”,

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

“ ‘Directives’ mean Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses as amended by Directive 96/84/EC of the European Parliament and of the Council of 19 December 1996 and Directive 1999/41/EC of the European Parliament and of the Council of 7 June 1999, and Commission Directive 2001/15/EC of 15 February 2001 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses, as amended by Commission Directive 2004/5/EC of 20 January 2004 and Commission Directive 2004/6/EC of 20 January 2004 and Commission Directive 2006/34/EC of 21 March 2006 and Commission Directive 2007/26/EC of 7 May 2007;”

and by the addition of the following footnotes thereto:

^{5A} OJ L 15, 22.1.2004, p. 31.

⁷ OJ L 118, 8.5.2007, p. 5.

and

(c) by inserting after Regulation 6 the following Regulation:

“6A. (1) By way of derogation from Regulation 4, in so far as the requirements of Regulation 5(3) apply, the placing on the market of products containing the substances listed in Schedule 3, shall not be prohibited pursuant to the provisions of these Regulations, provided that:

(a) the substance in question was used in the manufacture of one or more foodstuffs for particular nutritional uses marketed in the Community on 11 February 2004, and

(b) the European Food Safety Authority has not given an unfavourable opinion in respect of the use of the substance in the manufacture of foodstuffs for particular nutritional uses to which Directive 2001/15/EC of 15 February 2001 applies.

(2) The derogation granted by paragraph (1) shall apply until 31 December 2009.”.

GIVEN under my Official Seal,

23 July 2007

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 concern foodstuffs intended for particular nutritional uses. They amend the European Communities (Foodstuffs Intended for Particular Nutritional Uses) Regulations 2006 (S.I. No. 579 of 2006).

These Regulations give effect to Commission Directive 2007/26/EC, further extending the period of application of Commission Directive 2004/6/EC which derogates from Directive 2001/15/EC in order to postpone the prohibition of trade to certain products.

These Regulations may be cited as the European Communities (Foodstuffs Intended for Particular Nutritional Uses) (Amendment) Regulations 2007.

1 OJ L 118, 8.5.2007, p. 5.

2 OJ L 15, 22.1.2004, p. 31.