

**EUROPEAN COMMUNITIES (DEHYDRATED PRESERVED MILK)
REGULATIONS 1980**

I, RAY MacSHARRY, Minister for Agriculture, 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 Council Directive 76/118/EEC¹, and to the first Commission Directive of 13th November, 1979², laying down Community methods of analysis for testing partly or wholly dehydrated preserved milk for human consumption, hereby make the following Regulations:

(1) OJ No. L 24, 30.1.76 p. 49.

(2) OJ No. L 327, 24.12.79. p. 29/52.

REG 1

1. These Regulations may be cited as the European Communities (Dehydrated Preserved Milk) Regulations, 1980 and shall come into operation on the 27th day of May, 1980.

REG 2

2. (1) In these Regulations—

"the Annex" means the Annex to the Directive;

"authorised officer" means an officer of the Minister authorised in writing by the Minister for the purposes of these Regulations;

"the Directive" means Council Directive 76/118/EEC;

"the Minister" means the Minister for Agriculture.

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

REG 3

3. These Regulations apply to the products defined in the Annex, but do not apply to dietetic products, products specifically prepared for babies and young children or products intended for export outside the territory of the European Communities.

REG 4

4. (1) The lactate content of products to which these Regulations apply shall not be greater than 300 mg per 100g of milk solids not fat.

(2) The preservation of products to which these Regulations apply shall be achieved in the manner specified in Article 1 (3) of the Directive.

REG 5

5. Products to which these Regulations apply may be marketed only if they conform to the definitions and rules laid down in the Directive and the Annex.

REG 6

6. (1) Subject to paragraph (2) of this Regulation, the designations referred to in the Annex shall apply only to the products to which these Regulations apply and shall be used in trade to denote such products.

(2) Notwithstanding paragraph (1) of this Regulation, the designation "evaporated milk" may, for such period as Article 3 (2) of the Directive is in operation, be used in the State to denote unsweetened condensed milk containing, by weight, at least 9% fat and 31% total milk solids.

REG 7

7. Where the process of manufacture of products to which these Regulations apply does not include heat treatment at least equivalent to pasteurization, any basic materials referred to in Article 1 (2) of the Directive and contained in such products shall be subjected to such treatment.

REG 8

8. (1) In the manufacture of the products defined in points 1 (a) to 1 (d) of the Annex, only the substances specified in Article 5 (1) of the Directive (as qualified by Article 5 (5) of the Directive) may be used, and they may only be so used subject to the provisos to that Article.

(2) In the manufacture of the products defined in points 1(e) to 1(g) of the Annex, only the substances referred to in Article 5 (2) of the Directive may be used, subject, where appropriate, to the proviso to Article 5(2)(a).

REG 9

9. (1) In the manufacture of the products defined in point 2 of the Annex, only the substances referred to or specified in Articles 5 (3) (a) and 5 (3) (b) of the Directive may be used, subject, where appropriate to the provisos to Article 5 (3) (a).

(2) Where the designation of the products defined in points 2 (a), 2 (c) and 2 (d) of the Annex refers to instant solubility, lecithins (E322) may be used for their manufacture at a maximum level, by weight, of 0.5%.

REG 10

10. (1) Notwithstanding anything in these Regulations, additional additives may be used for wholly dehydrated milk used in vending machines and clearly labelled as such.

(2) Notwithstanding anything in Regulations 8 and 9 of these Regulations, vitamins may be added to products to which these Regulations apply.

REG 11

11. (1) The appropriate information specified in Articles 7 (1) (a) to 7 (1) (i) of the Directive shall be specified on packages, containers or labels of products to which these Regulations apply by the packer and shall be conspicuous, clearly legible and indelible.

(2) The details referred to in Articles 7 (1) (a) to 7 (1) (d) and in Article 7 (1) (h) of the Directive shall be specified on one of the main surfaces of the package or container and in the same field of vision.

(3) A person shall not sell or offer for sale in the State a product to which these Regulations apply unless the appropriate information specified in Articles 7 (1) (a) to 7 (1) (g) of the Directive is shown on one of the main surfaces of the package, container or label, or where permitted under Regulation 12 (2) of these Regulations, on the accompanying documents.

REG 12

12. (1) Where a product to which these Regulations apply is made up in packages or containers of a nominal weight of more than 20 kg and is not sold by retail, the information specified in Articles 7 (1) (b) to 7 (1) (h) of the Directive may appear on the accompanying documents.

(2) Where products to which these Regulations apply weighing less than 20g per unit are packed in an outer package, the information specified in Article 7 (1) (b) to 7 (1) (h) of the Directive may appear only on that outer package.

REG 13

13. Where a product to which these Regulations apply is destined for sale by retail it shall be packaged by the manufacturer or packer in sealed containers which protect it from harmful influences, and it shall be delivered intact to the consumer.

REG 14

14. The provisions of Regulations 4 and 6 to 9 of these Regulations shall be complied with by the manufacturer of the product concerned.

REG 15

15. The methods of analysis to be used by the Minister for testing products to which these Regulations apply shall be in accordance with the provisions of the First Commission Directive of 13 November, 1979, laying down Community methods of analysis for testing partly or wholly dehydrated preserved milk for human consumption.

(2) OJ J No. L 327, 24.12.79, P. 29/52

REG 16

16. (1) A manufacturer who fails to comply with a Regulation referred to in Regulation 14 of these Regulations, a person who contravenes Regulation 5 of these Regulations or a manufacturer, packer or other person who contravenes Regulation 13 of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £300.

(2) An offence under these Regulations may be prosecuted by the Minister.

REG 17

17. (1) An authorised officer may at any reasonable time enter and inspect any premises in which he has reasonable ground for believing that a product to which these Regulations applies, is being or has been manufactured or stored or is being or has been packaged or labelled, and may take such samples of any such product as he considers appropriate.

(2) The Minister shall furnish an authorised officer with a certificate of his appointment and, when exercising any power conferred by this Regulation, the officer shall, if requested by any

person affected, produce the certificate to the person.

(3) A person who obstructs or interferes with an authorised officer in the course of exercising a power conferred on him by this Regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

REG 18

18. Nothing in these Regulations shall be construed as affecting any statutory requirement relating to indications of quality and applicable to products to which these Regulations apply.

GIVEN under my Official Seal, this 27th day of May 1980.
(Signed) RAY MacSHARRY,
Minister for Agriculture.

EXPLANATORY NOTE.

This order implements EEC Council Directive No. 76/118/EEC on the approximation of the laws of member states relating to certain partly or wholly dehydrated preserved milk for human consumption and the first EEC Commission directive of 13th November, 1979 laying down Community methods of analysis for testing partly or wholly dehydrated milk for human consumption (79/1067/EEC).