

**EUROPEAN COMMUNITIES (IDENTIFICATION OF FOODSTUFF LOT)
REGULATIONS 1992**

I, DESMOND O'MALLEY, Minister for Industry and Commerce, 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 No. 89/396/EEC of 14 June 1989(a) (as amended by Council Directive No. 91/238/EEC of 22 April 1991(b), and Council Directive No. 92/11/EEC of 3 March 1992(c)), hereby make the following Regulations:

(a)O.J. No. L186/21, 30.6.1989

(b)O.J. No. L107/50, 27.4.1991

(c)O.J. No. L65/32, 11.3.1992.

REG 1

1. (1) These Regulations may be cited as the European Communities (Identification of Foodstuff lot) Regulations, 1992.

(2) These Regulations shall—

(a) in respect of any glass bottle intended for re-use which is indelibly marked and which therefore bears no label, ring or collar, come into operation on the 1st day of January, 1997, and

(b) in every other case, come into operation on the 1st day of July, 1992.

REG 2

2. (1) In these Regulations:

"authorised officer" means—

(a) a whole-time officer of the Minister who is authorised in writing by the Minister or the Director, or

(b) a person designated by the Minister for Health who is authorised in writing by the Minister,

to be an authorised officer for the purposes of these Regulations;

"the Council Directive" means Council Directive No. 89/396/EEC of 14 June 1989(a) (as amended by Council Directive No. 91/238/EEC of 22 April 1991(b), and Council Directive No. 92/11/EEC of 3 March 1992(c));

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(b)O.J. No. L107/50, 27.4.1991

(c)O.J. No. L65/32, 11.3.1992.

"the Director" means the Director of Consumer Affairs;

"functions" includes powers and duties;

"the Minister" means the Minister for Industry and Commerce;

(2) A word or expression that is used in these Regulations and is also used in the Council Directive has; unless the contrary

intention appears, the same meaning in these Regulations as it has in the Council Directive.

REG 3

3. These Regulations shall not apply to products placed on the market or labelled before the 1st day of July, 1992.

REG 4

4. (1) A foodstuff shall not be marketed unless it complies with the provisions of the Council Directive and these Regulations.
(2) A person who contravenes paragraph (1) of this Regulation shall be guilty of an offence.

REG 5

5. (1) Every authorised officer shall be furnished with a warrant of his appointment as an authorised officer and when exercising any power conferred on him by paragraph (2) of this Regulation shall, if requested by any person concerned, produce the warrant to that person.
(2) An authorised officer may, for the purpose of obtaining any information which may be required in order to enable the exercise of functions under these Regulations, and on the production of the authorisation of the officer if so required—
(a) at all reasonable times enter premises at which any trade or business or any activity in connection with a trade or business is carried on and inspect the premises and any goods on the premises and, on paying or making tender of payment therefor, take any of the goods,
(b) require any person who carries on such trade, business or activity and any person employed in connection therewith to produce to the officer any books, documents or records relating to such trade, business or activity which are in that person's power or control and to give him such information as he may reasonably require in regard to any entries in such books, documents and records,
(c) inspect and copy or take extracts from such books, documents and records,
(d) require any such person to give to the officer any information the officer may require in regard to the persons carrying on such trade, business or activity (including, in particular, in the case of an unincorporated body of persons, information in regard to the membership thereof and of its committee of management or other controlling authority) or employed in connection therewith,

(e) require any such person to give to the officer any other information which the officer may reasonably require in regard to such activity.

(3) A person who obstructs or impedes an authorised officer in the exercise of a power, or does not comply with a requirement, under this Regulation shall be guilty of an offence.

REG 6

6. 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 to 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 were guilty of the first-mentioned offence.

REG 7

7. (1) Subject to paragraph (2) of this Regulation, no person shall disclose information available to him by virtue of the functions conferred on him by these Regulations.

(2) Paragraph (1) of this Regulation does not apply to—

(a) a communication made by the Director or an authorised officer in the execution of his functions under these Regulations, or

(b) the disclosure of information for the purposes of legal proceedings.

(3) A person who contravenes paragraph (1) of this Regulation shall be guilty of an offence.

REG 8

8. (1) Subject to paragraph (2) of this Regulation, a person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding £1,000.

(2) A person guilty of an offence under Regulation 7 of these Regulations shall be liable on summary conviction to a fine not exceeding £800.

REG 9

9. (1) Summary proceedings in relation to an offence under these Regulations may be brought and prosecuted by the Director or by the health board in whose functional area the offence is alleged to have been committed.

(2) Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under these Regulations may be instituted within 18 months from the date of the offence.

GIVEN under my Official Seal, this 5th day of May, 1992.

DESMOND O'MALLEY,
Minister for Industry and Commerce.

EXPLANATORY NOTE.

The purpose of these regulations is to give effect to Council Directive 89/396/EEC as amended by Directives 91/238/EEC and 92/11/EEC on indications or marks identifying the lot to which a foodstuff belongs.

The regulations require producers, manufacturers, packagers or the first seller in the European Community to provide a reference to the batch on the packaging, container or label of most foodstuffs marketed after 1 July 1992.