

EUROPEAN COMMUNITIES (LABELLING, PRESENTATION AND ADVERTISING OF FOODSTUFFS) (AMENDMENT) REGULATIONS 1991

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 Commission Directive No. 83/463/EEC of 22 July 1983(1), and Council Directive No. 89/395/EEC of 14 June 1989(2), and giving further effect to Council Directive No. 79/112/EEC of 18 December 1978(3), hereby make the following Regulations:

- (1) O.J. No. L255, 15.9.1983, p.1.
- (2) O.J. No. L186, 30.6.1989, p.17.
- (3) O.J. No. L33, 8.2.1979, p.1.

REG 1

1. (1) These Regulations may be cited as the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations, 1991.

(2) The Principal Regulations, the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Commencement) Regulations, 1983 (S.I. No. 238 of 1983), the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations, 1987 (S.I. No. 214 of 1987), the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations, 1988 (S.I. No. 202 of 1988), and these Regulations may be cited together as the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 1982 to 1991.

REG 2

2. In these Regulations "the Principal Regulations" means the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 1982 (S.I. No. 205 of 1982).

REG 3

3. Until the 20th day of June, 1992, a person to whom these Regulations relate shall comply with the provisions of Regulations 3,6,7,8 and 9 of the Principal Regulations—

(a) as if Regulations 4 to 8 of, and the First Schedule to, these Regulations had not been made, or

(b) as amended by virtue of these Regulations,

and, after that date, shall comply with the said Regulations 3,6,7,8 and 9 as so amended, and the Principal Regulations shall be construed accordingly.

REG 4

4. Regulation 3 (1) of the Principal Regulations is hereby amended—

(a) by the deletion of the definition of "catering establishment", and

(b) by the substitution for the definition of "Council Directive" (inserted by the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations, 1988) of the definition set out in the First Schedule to these Regulations.

REG 5

5. Regulation 6 of the Principal Regulations is hereby amended—
(a) by the deletion of paragraph (1), and
(b) in clauses (ii) and (iii) of subparagraph (a) of
paragraph (2), by the insertion of "or mass caterer" after "ultimate
consumer" in each place where it occurs.

REG 6

6. Regulation 7 of the Principal Regulations is hereby amended by
the deletion of subparagraph (b).

REG 7

7. Regulation 8 of the Principal Regulations is hereby amended by
the deletion of paragraph (1).

REG 8

8. The Principal Regulations are hereby amended by the substitution
of the following for Regulation 9:

"9. Notwithstanding any provision to the contrary in the Council
Directive, in the case of milk and milk products put in glass
bottles intended for re-use, the provisions of the Council Directive
relating to the giving of particulars provided for in Article 3
thereof shall, by virtue of paragraph 6 of Article 11 (inserted by
paragraph 21 of Article 1 of Council Directive No. 89/395/EEC of 11
June 1989) of the Council Directive, be deemed to be complied with
if subparagraph (1), (3) and (4) and subparagraph (6) (in so far
as it relates to indication of the name or business name of the
manufacturer, packager or seller of foodstuffs) of paragraph 1 of
the said Article 3 are complied with."

REG 9

9. The Principal Regulations are hereby amended by the insertion
after Regulation 10 of the Regulation set out in the Second
Schedule to these Regulations.

REG 10

10. The Principal Regulations are hereby amended by the substitution
of the following for Regulation 19:

"19. These Regulations are without prejudice to the provisions of
Part III of the Health (Antioxidant in Food) Regulations, 1973 (S.I.
No. 148 of 1973), or the Health (Preservatives in Food) Regulations,
1981 (S.I. No. 337 of 1981)."

FIRST SCHEDULE.

" 'The Council Directive' means Council Directive No. 79/112/EEC of 18 December 1978(1), as amended by Council Directive No. 86/197/EEC of 26 May 1986(2), and Council Directive No. 89/395/EEC of 14 June 1989(3);

".

(1)O.J. No. L33, 8.2.1979, p.1.

(2)O.J. No. L144, 29.5.1986, p.38.

(3)O.J. No. L186, 30.6.1989, p.17.

SECOND SCHEDULE.

"10A. The provisions of Article 1 of Commission Directive No. 83/463/EEC of 22 July 1983(4), shall apply to the designation of ingredients in accordance with the provisions of the second indent of Article 6.5 (b) of the Council Directive.

(4)O.J. No. L255, 15.9.1983, p.1.

GIVEN under my Official Seal, this 21st day of August, 1991.

DESMOND O'MALLEY,
Minister for Industry and Commerce.

EXPLANATORY NOTE.

The purpose of these Regulations is to give effect to Council Directive 89/395/EEC which amends Council Directive 79/112/EEC on the approximation of the laws of the Member States relating to labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer.

The main effect of the Regulations is to further improve the level of protection for consumers purchasing foodstuffs by the introduction of the following measures:

(a) the extension of the scope of the Regulations to include foodstuffs supplied to "mass caterers" (restaurants, hospitals, canteens etc.);

(b) the requirement to display a "use-by" date instead of a "best before" date for highly perishable foodstuffs;

(c) the requirement to display a "best before" date on some products which have been exempt from this requirement heretofore (e.g. foodstuffs with a minimum durability exceeding 18 months);

(d) the requirement that foodstuffs which have been treated with ionizing radiation bear an indication to that effect.

Trade in products not complying with the provisions of these Regulations is prohibited.