

## **EUROPEAN COMMUNITIES (LABELLING, PRESENTATION AND ADVERTISING OF FOODSTUFFS) (AMENDMENT) REGULATIONS 1995**

I, RICHARD BRUTON, Minister for Enterprise and Employment, 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 further effect to Council Directive No. 79/112/EEC of 18 December 1978 as amended by Council Directive No. 86/197/EEC of 26 May 1986, Council Directive No. 89/395/EEC of 14 June 1989, Commission Directive No. 91/72/EEC of 16 January 1991, and Commission Directive No. 93/102/EC of 16 November 1993, as amended by Commission Directive No. 95/42/EC of 19 July 1995, and to give effect to Commission Directive 94/54/EC of 18 November 1994, hereby make the following Regulations:

10.J. No. L33, 8.2.79, p.1

20.J. No. L144, 29.5.86, p.38

30.J. No. L186, 30.6.89, p.17

40.J. No. L42, 15.2.91, p.27

50.J. No. L291, 25.11.93, p.14

60.J. No. L182, 2.8.95, p.20

70.J. No. L300, 23.11.94, p.14

### REG 1

1. (1) These Regulations may be cited as the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations, 1995.

(2) The European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 1982 to 1991, and these Regulations may be cited together as the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 1982 to 1995.

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

(a) by the insertion before the definition of "authorised officer" of the following definition:

"'advertise' includes every form of advertising, whether in a publication, by television or radio, by display of notices, signs, labels, showcards or goods, by distribution of samples, circulars, catalogues, price lists or other material, by exhibition of pictures, models or films, or in any other way";

(b) by the substitution for the definition of "the Council Directive" of the following definition:

"'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), Council Directive No. 89/395/EEC of 14 June 1989(3), Commission Directive No. 91/72/EEC of 16 January 1991(4) and Commission Directive No. 93/102/EC of 16 November 1993(5) as amended

by Commission Directive No. 95/42/EC of 19 July 1995(6);", and  
10.J. No. L33, 8.2.79, p.1

20.J. No. L144, 29.5.86, p.38

30.J. No. L186, 30.6.89, p.17

40.J. No. L42, 15.2.91, p.27

50.J. No. L291, 25.11.93, p.14

60.J. No. L182, 2.8.95, p.20

(c) by the substitution for the definition of "the Minister" of the following definition:

"the Minister' means the Minister for Enterprise and Employment;"

#### REG 4

4. Regulation 5 of the Principal Regulations is hereby amended by the substitution for paragraph (1) of the following paragraph:

"(1) A person shall not—

(a) sell foodstuffs unless they comply with the provisions of the Council Directive and these Regulations, or

(b) present or advertise foodstuffs contrary to the provisions of Article 2 of the Council Directive."

#### REG 5

5. Regulation 6 of the Principal Regulations is hereby amended by the substitution for paragraph (5) of the following paragraph:

"(5) These Regulations shall not apply to foodstuffs intended to be exported to another country other than a Member State of the European Union."

#### REG 6

6. The Principal Regulations are hereby amended by the insertion after Regulation 9 of the following Regulations:

"9A. (1) An indication of particulars on the labelling of foodstuffs whose durability has been extended by means of packaging gases authorised pursuant to Council Directive No. 89/107/EEC of 21 December 1988 shall be in accordance with Commission Directive No. 94/54/EC of 18 November 19947.

70.J. No. L300, 23.11.94, p.14

(8)O.J. No. L40, 11.2.89, p.27

(2) A foodstuff shall not be placed on the market after 31 December 1996, unless the labelling of the foodstuff complies with the provisions of paragraph (1) of this Regulation:

However, trade in a foodstuff placed on the market or labelled before that date which does not comply with that paragraph may continue until stocks of the foodstuff run out.

(3) A person who contravenes paragraph (2) of this Regulation shall be guilty of an offence.

9B. (1) A foodstuff shall not be placed on the market after 30 June 1996, unless its ingredients are listed on the labelling of the foodstuff in accordance with the Annexes to Commission Directive 93/102/EC of 16 November 1993:

50.J. No. L291, 25.11.93, p.14

However, trade in a foodstuff placed on the market or labelled before that date which does not comply with this Regulation may continue until stocks run out.

(2) A person who contravenes this Regulation shall be guilty of an offence."

#### REG 7

7. The Principal Regulations are hereby amended by the substitution for Regulation 15 of the following Regulation:

"15. A person guilty of an offence under Regulation 5, 9A, 9B or 14 of these Regulations shall be liable on summary conviction to a fine not exceeding £1,500."

#### REG 8

8. The European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations, 1994 (S.I. No. 95 of 1994), and hereby revoked.

GIVEN under my Official Seal, this 22nd day of December, 1995.

RICHARD BRUTON,

Minister for Enterprise and Employment.

#### EXPLANATORY NOTE.

The Regulations, which came into effect on 22 December, 1995 amend the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations 1982 (S.I. No. 205 of 1982). They give effect to the provisions of Commission Directive 93/102/EC of 16 November, 1993 as amended by Commission Directive 95/42/EC of 19 July, 1995. Categories of ingredients will now have to be designated according to the revised Annexes of Directive 93/102/EC. Trade in products not complying with the revised rules is prohibited. They also give effect to Commission Directive 94/54/EC of 18 November, 1994. Labelling of foodstuffs whose durability has been extended by means of packaging gas must contain the indication "packaged in a protective atmosphere".

These Regulations should be read together with Commission Directives 91/72/EEC; 93/102/EC, 95/42/EC and 94/54/EC.