

**EUROPEAN COMMUNITIES (MONITORING OF TEMPERATURE IN THE MEANS OF
TRANSPORT, WAREHOUSING AND STORAGE OF QUICK-FROZEN FOODSTUFFS AND
SAMPLING PROCEDURE AND METHODS OF ANALYSIS FOR CONTROL OF THE
TEMPERATURES OF QUICK-FROZEN FOODS INTENDED FOR HUMAN
CONSUMPTION) REGULATIONS 1995**

I, IVAN YATES, Minister for Agriculture, Food and Forestry 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 92/1/EEC(1) of 13 January, 1992 and Directive 92/2/EEC(2) of 13 January, 1992, hereby make the following Regulations:

- (1) O.J. No. L34/28, 11 February, 1992.
- (2) O.J. No. L34/30, 11 February, 1992.

REG 1

1. These Regulations may be cited as the European Communities (Monitoring of temperature in the means of transport, warehousing and storage of quick-frozen foodstuffs and sampling procedure and methods of analysis for control of the temperatures of quick-frozen foods intended for human consumption) Regulations, 1995.

REG 2

2. The principal Regulations and these Regulations shall be construed together as one and may be cited as the European Communities (Quick-frozen Foodstuffs) Regulations, 1992 and 1995.

REG 3

3. (1) In these Regulations—

"the Council Directive" means Council Directive 89/108/EEC(3) of 21 December, 1988.

"First Commission Directive" means Commission Directive 92/1/EEC of 13 January 1992.

"the Minister" means the Minister for Agriculture, Food and Forestry.

(3) O.J. No. L40/34, 11 February, 1989.

"the Principal Regulations" means the European Communities (Quick-frozen Foodstuffs) Regulations, 1992 (S.I. No. 290 of 1992).

"quick-frozen foodstuffs" has the same meaning as that set out in the Council Directive.

"Second Commission Directive" means Commission Directive 92/2/EEC of 13 January 1992.

(2) A word or expression used in these Regulations and 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.

(3) A word or expression used in these Regulations and also used in either the First Commission Directive or Second Commission Directive has, unless the contrary intention appears, the same meaning in these Regulations as it has in those Directives.

REG 4

4. These Regulations concern—

(a) the monitoring of temperatures in the means of transport, warehousing and storage for quick-frozen foods intended for human consumption, and

(b) the sampling procedures and the method of analysis for the official control of the temperature of quick-frozen foods intended for human consumption.

REG 5

5. (1) The means of transport, warehousing and storage must be fitted with suitable recording instruments to monitor, at frequent and regular intervals, the air temperature to which quick-frozen foods intended for human consumption are subjected.

(2) A derogation from 5 (1) is permitted in the case of cold chambers of less than ten cubic metres for storing stock in retail outlets, so as to permit the air temperatures to be measured by an easily visible thermometer.

REG 6

6. In the case of transport, the measuring instruments must be approved by the Minister or such other body or person as may be nominated by him for the purpose, where the means of transport is registered in the State.

REG 7

7. Temperature recordings obtained in accordance with Regulations 5 and 6 must be dated and stored by the operator for at least one year or longer according to the nature of food.

REG 8

8. The air temperature during storage in retail display cabinets, and in the course of local distribution, shall be measured by at least one easily visible thermometer which in the case of open retail display cabinets, shall indicate the temperature at the air return side at the level clearly marked maximum load line.

REG 9

9. The provisions of Regulations 5, 6, 7 and 8 shall not apply to railways.

REG 10

10. The sampling procedure and the method of analysis in relation to quick-frozen foods shall be those set out in Annex I and II of the Second Commission Directive and shall be carried out in accordance with and in the circumstances permitted by Articles 1 and 2 of the said Directive.

REG 11

11. An authorised officer within the meaning of Regulation 11 of the Principal Regulations may exercise the powers and functions conferred on him by or under those Regulations in order to do anything for the purpose of ensuring compliance with these Regulations, the First Commission Directive or the Second Commission Directive.

REG 12

12. (1) Any person who contravenes Regulation 5,6,7 or 8 shall be guilty of an offence.

(2) A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding £1,000 or, at the discretion of the Court, to imprisonment for a term not exceeding 12 months, or to both.

(3) 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 on the part of, a director, manager, secretary or other officer of the body corporate, the director, manager, secretary or other officer or any person purporting to act in such capacity shall, as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

(4) Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851, proceedings for an offence under these Regulations may be instituted within 12 months of the date of the offence.

REG 13

13. An offence under these Regulations may be prosecuted by the Minister, the Minister for the Environment, the Director of Consumer Affairs, the Minister for Health or by a health board, the council of a county or the corporation of a county borough in whose functional area the offence was committed.

GIVEN under my Official Seal, this 15th day of December, 1995.

IVAN YATES,
Minister for Agriculture, Food and
Forestry.

EXPLANATORY NOTE.

The purpose of the Regulations is to give legal effect to Commission Directive No. 92/1/EEC on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption and Commission Directive 92/2/EEC laying down the sampling procedure and the Community method of analysis for the official control of the temperatures of quick-frozen foods intended for human consumption. The Regulations should be read in conjunction with the Commission Directives.

