

## **S.I. No. 150 of 2002**

### **European Communities (Dietary Foods for Special Medical Purposes) (Amendment) Regulations, 2002**

I, Micheál Martin, Minister for Health and Children, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No 27 of 1972), having regard to Council Directive 89/398/EEC<sup>1</sup> of 3 May, 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses as amended by Directive 96/84/EC<sup>2</sup> of the European Parliament and of the Council of 19 December 1996 and Directive 1999/41/EC<sup>3</sup> of the European Parliament and of the Council of 7 June 1999, and for the purposes of giving effect to Commission Directive 1999/21/EC<sup>4</sup> of 25 March 1999 on dietary foods for special medical purposes, as amended by Corrigendum<sup>5</sup> of 5 January 2000, hereby make the following Regulations :

<sup>5</sup> OJ L 2, 5.1.2000, p. 79

<sup>4</sup> OJ L 91, 7.4.1999 p. 29

<sup>3</sup> OJ L 172, 8.7.1999 p. 38

<sup>2</sup> OJ L 48, 19.2.1997, p. 20

<sup>1</sup> OJ L 186, 30.6.1989, p. 27

1. (1) These Regulations may be cited as the European Communities (Dietary Foods for Special Medical Purposes) (Amendment) Regulations, 2002;

(2) The European Communities (Dietary Foods for Special Medical Purposes) Regulations, 2001 and these Regulations may be cited together as the European Communities (Dietary Foods for Special Medical Purposes) Regulations, 2001 and 2002.

2. In these Regulations :-

"the Principal Regulations" means the European Communities (Dietary Foods for Special Medical Purposes) Regulations, 2001 (S.I. No. 64 of 2001).

3. The Principal Regulations are hereby amended by the substitution of :

(1) the last paragraph of regulation 4 by the following :

"The foods referred to in paragraphs (2) and (3) may also be used as a partial replacement or as a supplement to the patient's diet";

(2) regulation 16 by the following :

"Without prejudice to Regulations 13, 14 and 15, before the European Communities (Dietary Foods for Special Medical Purposes) Regulations, 2001 are added to Schedule 1 of the service contract entered into by a health board or the Eastern Regional Health Authority, and the Food Safety Authority under the Act of 1998, the powers contained in Regulations 18 to 22 may be exercised by an authorised officer appointed under Regulation 17 for the purposes of ensuring compliance with these Regulations".



GIVEN under the Official Seal of the Minister for Health and Children

this 18th day of March, 2002

Micháel Martin

Micháel Martin, T.D.

Minister for Health and Children

#### **Explanatory Note**

*(This is not part of the instrument and does not purport to be a legal interpretation).*

These Regulations amend the European Communities (Dietary Foods for Special Medical Purposes) Regulations, 2001 (S.I. No. 64 of 2001) and may be cited as the European Communities (Dietary Foods for Special Medical Purposes) (Amendment) Regulations, 2002