STATUTORY RULES OF NORTHERN IRELAND

2010 No. 155

AGRICULTURE

The Beef and Veal Labelling Regulations (Northern Ireland) 2010

Made - - - -	*14th April 2010*
Coming into operation	*17th May 2010*

The Department of Agriculture and Rural Development—

(a) being a Department designated(**1**), for the purposes of making Regulations under section 2(2) of the European Communities Act 1972(**2**) in relation to food (including drink) including the primary production of food; and

(b) having carried out the consultation required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**3**),

makes these Regulations in accordance with section 2(2) of the European Communities Act 1972.

Citation and commencement

1. These Regulations may be cited as the Beef and Veal Labelling Regulations (Northern Ireland) 2010 and shall come into operation on 17th May 2010.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations—

"authorised officer" means any person who is authorised in writing by an enforcement authority, either generally or specifically, to act in matters under these Regulations;

(**1**) S.I. 2003/2901
(**2**) 1972 c. 68
(**3**) O.J. No. L31, 1.2.2002, p.1, as amended by Commission Regulation (EC) No. 202/2008 (O.J. No. L60, 4.3.2008, p.17)
(**4**) 1954 c. (N.I.)

"Commission Regulation 1825/2000" means Commission Regulation (EC) No. 1825/2000 laying down detailed rules for the application of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council as regards the labelling of beef and beef products(**5**);

"Council Regulation 1234/2007" means Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products(**6**);

"Commission Regulation 566/2008" means Commission Regulation 566/2008 laying down the detailed rules for the application of Council Regulation (EC) No. 1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less(**7**)

"the Department" means the Department of Agriculture and Rural Development;

"enforcement authority" shall be construed in accordance with regulation 4; and

"Regulation 1760/2000" means Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97(**8**)

The competent authority

3. The Department shall be the competent authority for the purposes of Title II of Regulation 1760/2000, Commission Regulation 1825/2000, Article 113b of, and Annex XIa to, Council Regulation 1234/2007(**9**) and Commission Regulation 566/2008.

The enforcement authorities

4. These Regulations shall be enforced and executed by the Department or any district council, or by the Department and any district council acting jointly, and any authority having such responsibility shall be known for the purposes of these Regulations as "an enforcement authority".

Offences

5.—(1) A person who fails to comply with any of the following is guilty of an offence—

(a) the following provisions of Regulation (EC) No. 1760/2000—

(i) Article 11 (requirement to label);

(ii) Article 13(1) (general rules);

(iii) Article 13(2) (indications on the label);

(iv) Article 13(5) (additional information on the label);

(v) Article 14 (labelling of minced beef);

(vi) Article 15 (beef from third countries);

(vii) Article 16(4) (voluntary labelling);

(viii) Article 17(1) (voluntary labelling of beef from third countries);

(b) the following provisions of Commission Regulation (EC) No. 1825/2000—

(i) Article 1 (traceability);

(ii) Article 2 (labelling);

(**5**) O.J. No. L216, 26.8.2000, p.8, as last amended by Commission Regulation (EC) No. 275/2007 (O.J. No. 76, 16.3.2007, p.12)
(**6**) O.J. No. L299, 16.11.2007, p.1, as last amended by Commission Regulation (EC) No. 183/2009 (O.J. No. L 63, 7.3.2009, p.9)
(**7**) O.J. No. L160, 19.6.2008, p.22
(**8**) O.J. No. L204, 11.8.2000, p.1, as last amended by Council Regulation (EC) No. 1791/2006 (O.J. No. L 363, 20.12.2006, p.1)
(**9**) Article 113b and Annex XIa were added by Council Regulation (EC) 361/2008 (O.J No. L121, 7.5.2008, p.1)

(iii) Article 4 (size and composition of group);

(iv) Article 5(2) (minced beef);

(v) Article 5a (trimmings);

(vi) Article 5b (pre-packaged cut meat);

(vii) Article 5c (non-pre-packaged cut meat);

(viii) Article 6(3) (beef in small retail packages);

(ix) Article 7 (access to premises and records);

(c) the following provisions of Council Regulation (EC) No. 1234/2007—

(i) Article 113b (marketing of the meat of bovine animals aged 12 months or less);

(ii) paragraph II of Annex XIa (classification at the slaughterhouse);

(iii) paragraph III of Annex XIa (sales descriptions);

(iv) paragraph IV of Annex XIa (compulsory information on the label);

(v) paragraph V of Annex XIa (optional information on the label);

(vi) paragraph VI of Annex XIa (recording);

(vii) paragraph VIII of Annex XIa (meat from third countries);

(d) the following provisions of Commission Regulation (EC) No. 566/2008—

(i) Article 4(1) (compulsory information on the label);

(ii) Article 4(2) (indication of age);

(iii) Article 5 (recording of information).

(2) For the purposes of paragraph IV (2) of Annex XIa to Council Regulation (EC) No. 1234/2007, the required information must be displayed near the meat so as to allow the final consumer to identify it easily, and must be clearly legible.

(3) Records (including electronic records) must be retained for a period of 12 months from the end of the calendar year in which the record was made.

Enforcement Notices

6.—(1) Where beef or veal has been labelled and marketed in a manner which does not comply with these Regulations, an authorised officer may serve a notice on the person in possession of the beef or veal requiring—

(a) its immediate relabeling in accordance with these Regulations; or

(b) its immediate removal from sale until it is labelled in accordance with these Regulations or otherwise disposed of,

and any person who fails to comply with that notice is guilty of an offence.

(2) A notice must state the right of appeal to a court of summary jurisdiction and the period within which the appeal must be brought.

(3) A person who is aggrieved by a decision of an authorised officer to serve a notice pursuant to paragraph (1) may appeal to a court of summary jurisdiction at any time before the expiration of one month beginning with the date on which the notice of the decision was served on the aggrieved person, and Part VII of the Magistrates Court (Northern Ireland) Order 1981(**10**) shall apply accordingly.

(**10**) S.I. 1981/1675 (N.I. 26)