STATUTORY RULES OF NORTHERN IRELAND

2009 No. 2

AGRICULTURE

The Beef and Veal Labelling Regulations (Northern Ireland) 2009

Made - - - -	*5th January 2009*
Coming into operation	*2nd February 2009*

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) 2009 and shall come into operation on 2nd February 2009.

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**) 1972c. 68
(**3**) O.J. No. L31, 1.2.2002, p.1
(**4**) 1954 c. (N.I.)

"Commission Regulation 1141/1997" means Commission Regulation (EC) No. 1141/1997 laying down detailed rules for the application of Council Regulation (EC) No. 820/1997 as regards the labelling of beef and beef products(**5**);

"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(**6**);

"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(**7**);

"Commission Regulation 566/2008" (**8**) means Commission Regulation 566/2008 laying down the detailed rules for the application of Article 113b and Article 121, first paragraph, point j of, and Annex XIa to Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products;

"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(**9**).

The competent authority

3. The Department shall be the competent authority(**10**) for the purposes of Commission Regulation 1141/97, Title II of Regulation 1760/2000, Commission Regulation 1825/2000, Article 113b and Article 121, first paragraph, point j of, and Annex XIa to Council Regulation 1234/2007 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. A person who fails to comply with any of the following is guilty of an offence—

(a) the following provisions of Commission Regulation (EC) No. 1141/97—

(i) Article 2 (provision of an identification and registration system);

(ii) Article 3(1) (access to premises and records);

(iii) Article 3(4) (provision of information to the competent authority);

(b) the following provisions of Regulation (EC) No. 1760/2000 of the European Parliament and the Council—

(**5**) O.J. No. L165, 24.6.1997, p.7
(**6**) O.J. No. L216, 26.8.2000, p.8
(**7**) O.J. No. L299, 16.11.2007, p.1. These provisions were added by Council Regulation (EC) No. 361/2008, O.J. No. L121, 7.5.2008, p.1
(**8**) O.J. No. L160, 19.6.2008, p.22
(**9**) O.J. No. L204, 11.8.2000, p.1
(**10**) The Department retains the power to act as competent authority by means of regulation 13(7)(c) of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000 (S.R. 2000 No. 78)

(i) Article 11 (required 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);

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

(i) Article 1 (traceability);

(ii) Article 2 (labelling);

(iii) Article 4 (size of group);

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

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

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

(d) 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);

(e) 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).

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 its removal from sale until the label is removed or until it is relabelled in accordance with these Regulations; and any person who fails to comply with that notice is guilty of an offence.

(2) A notice may authorise the beef or veal to be sent directly for processing into products other than those indicated in the first indent of Article 12 of Regulation 1760/2000.

(3) A notice must state the right of appeal to a magistrates' court and the period within which the appeal must be brought.