STATUTORY RULES OF NORTHERN IRELAND

2008 No. 239

FOOD

The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 2008

Made - - - -	*2nd June 2008*
Coming into operation	*1st July 2008*

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred on it by Articles 15(1), 16(2), 25(1) and (3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**2**).

In accordance with Article 47(3A) of that Order it has had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**3**), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 2008 and come into operation on 1st July 2008.

Interpretation

2.—(1) In these Regulations —

"the Council Regulation" means Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)(**4**);

(**1**) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)
(**2**) S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1663 (N.I.12), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28 and S.R.2004 Nos. 482 and 505
(**3**) OJ No. L31, 1.2.2002, p.1; that Regulation was last amended by Commission Regulation (EC) No. 575/2006 (OJ No. L100, 8.4.2006, p.3)
(**4**) OJ No. L299, 16.11.2007, p.1; there are amendments to this Regulation but none are relevant

"the Commission Regulation" means Commission Regulation (EC) No. 445/2007 laying down certain detailed rules for the application of Council Regulation (EC) No. 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No. 1898/87 on the protection of designations used in the marketing of milk and milk products(**5**);

"Community provision" means a provision referred to in regulation 6(2);

"EEA Agreement" means the agreement on the European Economic Area signed at Oporto on 2nd May 1992(**6**), together with the protocol adjusting the Agreement signed at Brussels on 17th March 1993(**7**), as modified or supplemented;

"EEA State" means—

(a) a state which is a member State; or

(b) any other state which is a party to the EEA Agreement;

"member State" means a member State as defined in Part II of Schedule 1 to the European Communities Act 1972(**8**);

"the Order" means the Food Safety (Northern Ireland) Order 1991;

"sell" includes possess for sale, and offer, expose or advertise for sale;

"sell by retail" means to sell to a person who is not buying for the purpose of re-sale;

"vitamin A" means vitamin A present as such or as its esters and includes beta-carotene on the basis that 6 micrograms of beta-carotene or 12 micrograms of other biologically active carotenoids equal one microgram of retinol equivalent;

"vitamin D" means the anti-rachitic vitamins.

(2) Other expressions used in these Regulations and in the Council Regulation or the Commission Regulation have the same meaning in these Regulations as they have in the Council Regulation or the Commission Regulation.

Exemptions from these Regulations

3.—(1) Except where paragraph (2) applies, unless and until there is a decision by the EEA Joint Committee under Article 98 of the EEA Agreement to amend that Agreement so as to refer to the Council Regulation and the Commission Regulation, these Regulations shall not apply in respect of any spreadable fat to which the EEA Agreement applies and which —

(a) is brought into Northern Ireland —

(i) from an EEA state (other than a member State) in which it was lawfully produced and sold, or

(ii) from another part of the United Kingdom if that spreadable fat was brought there from such an EEA state; and

(b) is suitably labelled to indicate the nature of the spreadable fat.

(2) Regulation 4 does not apply in respect of any margarine which —

(a) is brought into Northern Ireland —

(i) from an EEA State (other than the United Kingdom) in which it was lawfully produced and sold,

(ii) from a member State (other than the United Kingdom) in which it was in free circulation and lawfully sold, or

(**5**) OJ No. L106, 24.4.2007, p.24
(**6**) OJ No. L1, 3.1.1994, p.1
(**7**) OJ No. L1, 3.1.1994, p.571
(**8**) 1972 c.68