STATUTORY RULES OF NORTHERN IRELAND

2008 No. 42

FOOD

The Condensed Milk and Dried Milk (Amendment) Regulations (Northern Ireland) 2008

Made - - - -	*1st February 2008*
Coming into operation	*7th March 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)(a) and (e), 16(1) 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 Condensed Milk and Dried Milk (Amendment) Regulations (Northern Ireland) 2008 and shall come into operation on 7th March 2008.

Amendment of the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2003

2. The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2003(**4**) are amended in accordance with regulations 3 and 4.

3. In regulation 2 (interpretation), the word "directly" is omitted from the definitions of "partly dehydrated milk" and "totally dehydrated milk".

4. In the Notes to Schedule 1 (partly or wholly dehydrated preserved milk products and their reserved descriptions) —

(**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**) S.R. 2003 No. 300 as amended by S.R. 2006 No.3: there are other amending Statutory Rules which are not relevant

(a) For Note 1 substitute —

"**1.** Authorised additions and raw materials:

(a) Any designated product may contain any substance permitted pursuant to Council Directive 89/107/EEC of 21 December 1988 on the approximation of laws of Member States concerning food additives authorised for use in foodstuffs intended for human consumption, as amended by European Parliament and Council Directive 94/34/EC of 30 June 1994 and Regulation (EC) No. 1882/2003 of the European Parliament and of the Council of 29 September 2003, and vitamins and minerals in accordance with the requirements of Regulation (EC) No. 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods.

(b) Authorised raw materials for protein adjustment purposes referred to in Note 4 are:

(i) Milk retentate, which is the product obtained by concentrating milk protein by ultra filtration of milk, partly skimmed milk or skimmed milk;

(ii) Milk permeate, which is the product obtained by removing milk proteins and milk fat from milk, partly skimmed milk or skimmed milk by ultra filtration; and

(iii) Lactose, which is a natural constituent of milk normally obtained from whey with an anhydrous lactose content of not less than 99.0% m/m on a dry basis. It may be anhydrous or contain one molecule of water of crystallisation or be a mixture of both forms.".

(b) In Note 3, for the first indent substitute —

"**3.** Without prejudice to Regulation (EC) No. 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin as corrected by a corrigendum published on 25 June 2004 and amended by Commission Regulation (EC) No. 2074/2005 of 5 December 2005, Commission Regulation (EC) No. 2076/2005 of 5 December 2005, Commission Regulation (EC) No. 1662/2006 of 6 November 2006 and Council Regulation (EC) No. 1791/2006 of 20 November 2006, the preservation of the designated products shall be achieved—".

(c) For Note 4 substitute —

"**4.** Without prejudice to the compositional requirements set out in the table above, the protein content of milk may be adjusted to a minimum content of 34% by weight (expressed on fat-free dry matter) by the addition and/or withdrawal of milk constituents in such a way as not to alter the ratio of whey protein to casein in the milk being adjusted.".

(d) As Note 5 add —

"**5.** The levels of dry matter, moisture content, fat, sucrose, lactic acid and lactates and phosphatase activity in the designated products shall be determined in accordance with the methods set out in Directive 79/1067.".