STATUTORY RULES OF NORTHERN IRELAND

2019 No. 5

FOOD

The Food (Miscellaneous Amendments and Revocations) Regulations (Northern Ireland) 2019

Made - - - -	*15th January 2019*
Coming into operation	*11th February 2019*

The Department of Health(**1**) being a department designated for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to food (including drink) including the primary production of food(**3**) makes the following Regulations in exercise of the powers conferred by Article 15(1), 16(2) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**4**) and section 2(2) of, and paragraph 1A of Schedule 2 to the European Communities Act 1972.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Health that it is expedient for references to specified EU instruments or provisions of EU instruments in specified statutory rules to be construed as references to those EU instruments, or provisions of EU instruments as amended from time to time, as provided for in regulations 7(5)(b) and 24 of these Regulations.

In accordance with Article 47(3A) of the Food Safety (Northern Ireland) Order 1991, the Department of Health has had regard to relevant advice given by the Food Standards Agency.

There has been open and transparent public consultation during the preparation of these Regulations in accordance with the requirements of 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(**5**) as last amended by Regulation (EU) 2017/745 of the European Parliament and of the Council(**6**).

(**1**) Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (N.I.), section 1
(**2**) 1972 c.68
(**3**) S.I. 2003/2901
(**4**) 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 No. 482 and 505
(**5**) OJ No. L 31, 1.2.2002, p. 1
(**6**) OJ L 117, 5.5.2017, p. 1

Part 1

Introductory

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food (Miscellaneous Amendments and Revocations) Regulations (Northern Ireland) 2019 and come into operation on 11th February 2019.

(2) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Assembly.

PART 2

Amendments to Food and Feed legislation

The Preserved Sardines (Marketing Standards) Regulations (Northern Ireland) 1990

2.—(1) The Preserved Sardines (Marketing Standards) Regulations (Northern Ireland) 1990(**8**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1), in the definition of "the Council Regulation", at the end insert "and trade descriptions for preserved sardines and sardine-type products, as last amended by Commission Regulation (EC) No 1345/2008(**9**)".

(3) In the Schedule, after item 7 in the table insert—

"**8.** Article 7a	Requirements relating to the marketing of preserved sardine-type products"

The Food (Lot Marking) Regulations (Northern Ireland) 1996

3.—(1) The Food (Lot Marking) Regulations (Northern Ireland)1996(**10**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (Interpretation), in the definition of "Regulation (EU) No 1169/2011" after "No 608/2004" insert "as last amended by Regulation (EU) 2015/2283 of the European Parliament and of the Council"(**11**).

(3) In regulation 4 (Exceptions for particular types of sale and sales units) omit paragraph (f).

The Bread and Flour Regulations (Northern Ireland) 1998

4. In regulation 2 of the Bread and Flour Regulations (Northern Ireland) 1998(**12**) (Interpretation) —

(a) omit the definition of "flour treatment agent" and "flour additive";

(b) insert the definition of "food additive" in the correct alphabetical place:

(**7**) 1954 c.33 (NI)
(**8**) S.R. 1990 No. 194, to which there are amendments not relevant to these Regulations
(**9**) OJ No. L 348, 24.12.2008, p 76
(**10**) S.R. 1996 No. 384, as last amended by S.R. 2014 No. 223
(**11**) OJ L 327, 11.12.2015, p. 1
(**12**) S.R. 1998 No. 24, as last amended by S.R. 2014 No. 223

""food additive" has the meaning assigned to it by Article 3(2)(a) of Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives as last amended by Commission Regulation (EU) 2018/1497"(**13**); and

(c) in the definition of "Regulation (EU) No 1169/2011" after "No 608/2004" insert "as last amended by Regulation (EU) 2015/2283 of the European Parliament and of the Council."

The Medical Food Regulations (Northern Ireland) 2000

5.—(1) The Medical Food Regulations (Northern Ireland) 2000(**14**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (Interpretation) in the definition of "the Directive"—

(a) after "Romania;" omit "and"; and

(b) after Directive 1991/21/EC insert

"; and

Commission Directive No. 2013/26/EU adapting certain directives in the field of food safety, veterinary and phytosanitary policy, by reason of the accession of Croatia, as amended by Regulation (EU) No 609/2013 of the European Parliament and of the Council on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009; and, Commission Delegated Regulation (EU) 2016/128 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for food for special medical purposes."(**15**).

(3) Omit regulation 8 (Transitional arrangements).

The Coffee Extracts and Chicory Extracts Regulations (Northern Ireland) 2001

6.—(1) The Coffee Extracts and Chicory Extracts Regulations (Northern Ireland) 2001(**16**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (Interpretation) in the definition of "Regulation (EU) No 1169/2011" after "No 608/2004" insert "as last amended by Regulation (EU) 2015/2283 of the European Parliament and of the Council.".

(3) In regulation 7(3) (Penalties and enforcement) from "paragraphs 1 and 2" to "human consumption" substitute "Annex 3 to Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules as last amended by Commission Regulation (EU) 2018/445."(**17**).

(4) Omit regulation 8 (Transitional provisions).

(**13**) OJ No. L 354, 31.12.2008, p. 16, as last amended by Regulation (EU) 2018/1497 (OJ No. L 253, 9.10.2018, p. 36)
(**14**) S.R. 2000 No. 187, as last amended by S.R. 2008 No. 405
(**15**) OJ No. L 158, 10.6.2013, p. 376, as amended by Regulation (EU) No 609/2013 (OJ L 181, 29.6.2013, p. 35) and Regulation (EU) 2016/128 (OJ L 25, 2.2.2016, p. 30)
(**16**) S.R. 2001 No. 45, to which there are amendments not relevant to these Regulations
(**17**) OJ No. L 165, 30.4.2004, p. 1, as last amended by Commission Regulation (EU) 2018/455, (OJ No L 77, 20.3.2018, p. 4)

The Specified Sugar Products Regulations (Northern Ireland) 2003

7.—(1) The Specified Sugar Products Regulations (Northern Ireland) 2003(**18**) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2 (Interpretation) omit the definitions of "EEA Agreement" and "EEA State".

(3) In regulation 5(1) (Labelling and description of designated products) after "consumers" insert "as last amended by Regulation (EU) 2015/2283 of the European Parliament and of the Council.".

(4) Omit regulation 11 (Transitional Provisions).

(5) In Schedule 1 (Specified sugar products and their reserved descriptions),

(a) in the table—

(i) in entry 5, in column 2, in sub-paragraph (c), for "paragraph 4" substitute "paragraph 3";

(ii) in entry 11, in column 1 for "1. Fructose" substitute "11. Fructose"

(iii) in entry 11, in column 2, for "paragraph (2)" substitute "paragraph 3";

(b) in note 7

(i) for "Directive 2009/32/EC of the European Parliament and of the Council on the approximation of laws of the Member states on extraction solvents used in the production of foodstuffs and food ingredients (Recast)" substitute "Directive 2009/32/EC of the European Parliament and of the Council on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients (Recast)(**19**), as last amended by Commission Directive (EU) 2016/1855(**20**), except for Annex I which is to be construed as amended from time to time";

(ii) for "Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives" substitute "Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives the Annexes to which are amended from time to time.(**21**)".

(6) In Schedule 2, paragraph 2 (Method of Analysis) for "the Commission Regulations (EEC) No. 1265/69" substitute "Regulation (EEC) No. 1265/69 as last amended by Commission Regulation (EC) No 187/1999."(**22**).

The Cocoa and Chocolate Products Regulations (Northern Ireland) 2003

8.—(1) The Cocoa and Chocolate Products Regulations (Northern Ireland) 2003(**23**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (Interpretation) –

(a) omit the definitions of "EEA Agreement" and "EEA State";

(b) in the definition of "Regulation (EU) No 1169/2011" after "No 608/2004" insert "as last amended by Regulation (EU) 2015/2283 of the European Parliament and of the Council.".

(3) In regulation 7(2)(a) (Manner for marking or labelling) for "the 1996 Regulations" substitute "Article 9(1)(b) of Regulation (EU) No 1169/2011."(**24**).

(**18**) S.R. 2003 No. 301, to which there are amendments not relevant to these Regulations
(**19**) OJ No. L 141, 6.6.2009, p. 3
(**20**) OJ No. L 284, 20.10.2016, p. 19
(**21**) OJ No. L 354, 31.12.2008, p 16, as last amended by Commission Regulation (EU) 2018/682 (OJ No L 116, 7.5.2018, p. 5)
(**22**) OJ No. L 21, 28.1.1999, p. 9
(**23**) S.R. 2003 No. 313, as amended by S.R. 2014 No. 223
(**24**) OJ No. L 304, 22.11.2011, p 18

(4) Omit regulation 12 (Transitional provisions).

Processed Cereal-based Foods and Baby Foods for Infants and Young Children Regulations (Northern Ireland) 2003

9. In regulation 2(1) (Interpretation) of the Processed Cereal Based foods and Baby foods for infants and Young Children Regulations (NI) 2003(**25**) omit the definitions of "EEA Agreement" and "EEA State".

The Food Supplements Regulations (Northern Ireland) 2003

10. In regulation 2(1) (Interpretation) of the Food Supplements Regulations (Northern Ireland) 2003(**26**) in the definition of —

(a) "Directive 2001/83" for "Directive 2009/53/EC of the European Parliament and of the Council amending Directive 2001/82/EC and Directive 2001/83/EC, as regards variations to the terms of marketing authorisations for medicinal products;" substitute "Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC;"(**27**);

(b) "Directive 2002/46" substitute ""Directive 2002/46" means, subject to regulation 2(4), Directive 2002/46/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to food supplements as last amended by Commission Regulation (EU) 2017/1203"(**28**); and

(c) "Regulation (EU) 1169/2011" after "No. 608/2004" insert "as last amended by Regulation (EU) 2015/2283 of the European Parliament and of the Council".

The General Food Regulations (Northern Ireland) 2004

11. In regulation 2(1) (Interpretation) of the General Food Regulations (Northern Ireland) 2004(**29**) for the definition of "Regulation (EC) 178/2002" substitute:

> ""Regulation (EC) 178/2002" means 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, as last amended by Regulation (EU) 2017/745 of the European Parliament and of the Council."(**30**).

The Genetically Modified Food Regulations (Northern Ireland) 2004

12.—(1) The Genetically Modified Food Regulations (Northern Ireland) 2004(**31**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (Interpretation) for the definition of "Regulation 1829/2003" substitute—

> ""Regulation 1829/2003" means Regulation 1829/2003 of the European Parliament and of the Council on genetically modified food and feed(**32**); as last amended by Regulation (EC) 298/2008 of the European Parliament and of the Council."(**33**).

(**25**) S.R. 2003 No. 530, as last amended by S.R. 2005 No. 574
(**26**) S.R. 2003 No. 273, as last amended by S.R. 2014 No. 223
(**27**) OJ No. L 117, 5.5.2017, p. 1
(**28**) OJ No. L 173, 6.7.2017, p. 9
(**29**) S.R. 2004 No. 505
(**30**) OJ No. L 117, 5.5.2017, p. 1
(**31**) S.R. 2004 No. 385
(**32**) OJ L 268, 18.10.2003, p. 1