

1995 No. 105

FOOD

**Spirit Drinks (Amendment) Regulations
(Northern Ireland) 1995**

Made 21st March 1995

Coming into operation 1st May 1995

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Article 16(2) of the Food Safety (Northern Ireland) Order 1991(a), and being a designated Department(b) for the purposes of section 2(2) of the European Communities Act 1972(c) in relation to measures relating to the description of and other requirements relating to spirit drinks, in exercise of the powers conferred on it by the said section 2(2) (as read with section 3(3) of the European Economic Area Act 1993(d) (save for paragraph (a) thereof)), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Spirit Drinks (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 1st May 1995:

(2) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Spirit Drinks Regulations (Northern Ireland) 1990

2.—(1) The Spirit Drinks Regulations (Northern Ireland) 1990(f) (“the principal Regulations”) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation)—

(a) before the definition of “the Council Regulation” there shall be inserted—

“ “the Commission Regulation” means Commission Regulation (EEC) No. 1014/90 laying down detailed implementing rules on the definition, description and presentation of spirit

(a) S.I. 1991/762 (N.I. 7). See Article 2(2) for the definition of “regulations” and “the Department concerned”

(b) S.I. 1989/1327

(c) 1972 c. 68; the definition of the Treaties referred to in section 2(2) was extended by section 1 of the European Economic Area Act 1993 (c. 51)

(d) 1993 c. 51

(e) 1954 c. 33 (N.I.)

(f) S.R. 1990 No. 219; the relevant amending Regulations are S.R. 1991 No. 203

drinks(a), as amended by Commission Regulation (EEC) No. 1180/91(b), Commission Regulation (EEC) No. 1781/91(c), Commission Regulation (EEC) No. 3458/92(d), Commission Regulation (EC) No. 2675/94(e) (as corrected at O.J. No. L28, 7.2.95, p. 14) and Chapter XXVII of Annex II to the European Economic Area Agreement;”;

- (b) for the definition of “the Council Regulation” there shall be substituted—

“ “the Council Regulation” means Council Regulation (EEC) No. 1576/89 laying down general rules on the definition, description and presentation of spirit drinks(f) (as corrected at O.J. No. L223, 2.8.89, p. 27), as amended by Council Regulation (EEC) No. 3280/92(g) and Chapter XXVII of Annex II to the European Economic Area Agreement;”;

- (c) after the definition of “the Council Regulation” there shall be inserted—

“ “the European Economic Area Agreement” has the same meaning as “the Agreement” in section 6(1) of the European Economic Area Act 1993(h);”;

- (d) for the definition of “specified Community provision” there shall be substituted—

“ “specified Community provision” means—

- (a) any provision of the Council Regulation—

- (i) which is specified in column (1) of Part I of the Schedule, and
 (ii) whose subject matter is specified in the corresponding entry in column (2) of that Part;

- (b) any provision of the Commission Regulation—

- (i) which is specified in column (1) of Part II of the Schedule, and
 (ii) whose subject matter is specified in the corresponding entry in column 2 of that Part; and

- (c) Article 1(1) of Commission Regulation (EC) No. 1267/94 applying the agreements between the European Union and third countries on the mutual recognition of certain spirit drinks(i).”

(a) O.J. No. L105, 25.4.90, p. 9
 (b) O.J. No. L115, 8.5.91, p. 5
 (c) O.J. No. L160, 25.6.91, p. 5
 (d) O.J. No. L350, 1.12.92, p. 59
 (e) O.J. No. L285, 4.11.94, p. 5
 (f) O.J. No. L160, 12.6.89, p. 1
 (g) O.J. No. L327, 13.11.92, p. 3
 (h) 1993, c. 51
 (i) O.J. No. L138, 2.6.94, p. 7

(3) For regulation 3, there shall be substituted—

“Enforcement

3. Each district council shall secure the enforcement and execution of the specified Community provisions within its district.”.

(4) Regulation 4 (Powers of authorised officers) shall be revoked.

(5) In regulation 5(2) (Offences and penalties)—

(a) for “Article 1” there shall be substituted “Article 1(4)”; and

(b) after “beverages” there shall be inserted “, as amended by Commission Regulation (EEC) No. 1759/90(a), Commission Regulation (EEC) No. 3207/90(b) and Commission Regulation (EEC) No. 3750/90(c),”.

(6) For the Schedule there shall be substituted the Schedule set out in the Schedule to these Regulations.

Exclusion of the operation of section 3(1) of the European Economic Area Act 1993

3. The operation of section 3(1) of the European Economic Area Act 1993 is hereby excluded insofar as it would otherwise apply in relation to the definition for which another is substituted by regulation 2(2)(b).

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 21st March 1995.

(L.S.)

D. A. Baker

Assistant Secretary

(a) O.J. No. L162, 28.6.90, p. 23
(b) O.J. No. L307, 7.11.90, p. 11
(c) O.J. No. L360, 22.12.90, p. 40

Schedule to be substituted in the Principal Regulations

"SCHEDULE

Régulation 2

Specified Community Provisions

PART I

PROVISIONS OF THE COUNCIL REGULATION

(1) <i>Provision</i>	(2) <i>Subject Matter</i>
Article 2, read with Article 1(4) of the Council Regulation and Articles 1 to 7 of the Commission Regulation	Requirements relating to the marketing for human consumption of spirit drinks under specified designations
Article 3(1), read with Annex III	Minimum alcoholic strength by volume of spirit drinks to be released for human consumption in the Community
Article 4(1)	Restriction on the marketing under a reserved name of spirit drinks to which an unauthorised substance has been added
Article 4(5)	Requirements relating to the use of natural flavouring substances and preparations
Article 4(7), read with Annex I	Conditions as to the use of ethyl alcohol in the preparation of spirit drinks
Article 5(1)	Restriction on the use of reserved names
Article 5(2) and (3)(a) and (b)	Conditions as to the use of supplementary geographical indications and designations
Article 7(1) and (2)	Requirements relating to the labelling, presentation and advertising of spirit drinks, and the containers into which spirit drinks may be put
Article 7(4)	Requirement to give particulars in an official language of the Communities understood by the final consumer.
Article 7(5)	Prohibition on the translation of specified designations

(1) <i>Provision</i>	(2) <i>Subject Matter</i>
Article 8	Prohibition of the use of associating words or phrases to describe spirit drinks produced in the Community marketed for human consumption
Article 9(1)	Prohibitions on the use of reserved generic names for specified spirit drinks containing added ethyl alcohol of agricultural origin
Article 9(2)	Requirements relating to the compositional labelling and presentation of Rum-Verschnitt
Article 12(1)	Application of Community rules to spirit drinks intended for export

PART II

PROVISIONS OF THE COMMISSION REGULATION

(1) <i>Provision</i>	(2) <i>Subject Matter</i>
Article 7a, read with the Annex	Restrictions on the use of reserved terms
Article 7b(1)	Restriction on the use of a generic term in a compound term
Article 7b(2)	Restriction on the use of compound terms for liqueurs
Article 7b(3)	Requirements relating to the labelling and presentation of specified liqueurs using compound terms.
Article 7c	Requirements relating to the description, etc., of mixtures of spirit drinks."

EXPLANATORY NOTE

(This note is not part of the Regulations.)

(1) These Regulations amend the Spirit Drinks Regulations (Northern Ireland) 1990 (“the 1990 Regulations”), which make provision for the administration, execution and enforcement of Community provisions relating to the definition, description and presentation of spirit drinks set out in Council Regulation (EEC) No. 1576/89 (O.J. No. L160, 12.6.89, p. 1).

(2) The Regulations make provision for the enforcement and execution of—

(a) Commission Regulation (EEC) No. 1014/90 laying down detailed implementing rules on the definition, description and presentation of spirit drinks (O.J. No. L105, 25.4.90, p. 9) as amended by Commission Regulation (EEC) No. 1180/91 (O.J. No. L115, 8.5.91, p. 5), Commission Regulation (EEC) No. 1781/91 (O.J. No. L160, 25.6.91, p. 5), Commission Regulation (EEC) No. 3458/92 (O.J. No. L350, 1.12.92, p. 59), Commission Regulation (EC) No. 2675/94 (O.J. No. L285, 4.11.94, p. 5) [as corrected at O.J. No. L28, 7.2.95, p. 14] and Chapter XXVII of Annex II to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (O.J. No. L1, 3.1.94, p. 3) as adjusted by the Protocol signed at Brussels on 17th March 1993 (O.J. No. L1, 3.1.94, p. 572), by—

(i) inserting into regulation 2(1) of the 1990 Regulations a definition of the Commission Regulation,

(ii) substituting for the existing Schedule to the 1990 Regulations a new Schedule which refers to particular provisions of that Commission Regulation, and

(iii) substituting for the existing definition of “specified Community provision” in regulation 2(1) of the 1990 Regulations a definition which makes reference, *inter alia*, to the said provisions;

(b) Council Regulation (EEC) No. 1576/89 by substituting for the existing definition of that Community instrument in regulation 2(1) of the 1990 Regulations a definition which takes account of the corrections made to it at O.J. No. L223, 2.8.89, p. 27 and the amendments made to it by Council Regulation (EEC) No. 3280/92 (O.J. No. L327, 13.11.92, p. 3) and Chapter XXVII of Annex II to the Agreement referred to in sub-paragraph (a); and

(c) Article 1(1) of Commission Regulation (EC) No. 1267/94 applying the agreements between the European Union and third countries on the mutual recognition of certain spirit drinks (O.J. No. L138, 2.6.94, p. 7) by including that provision in the definition of “specified Community provision” substituted as described in sub-paragraph (a)(iii).

(3) These Regulations also amend regulation 3 of the 1990 Regulations to provide that enforcement and execution falls to district councils. Regulation 4 of the 1990 Regulations is revoked.

(4) These Regulations, additionally, substitute in regulation 5(2) of the 1990 Regulations for the existing reference to Article 1 of Commission Regulation (EEC) No. 3773/89 laying down transitional measures relating to spirituous beverages (O.J. No. L365, 15.12.89, p. 48) a reference to Article 1(4) of that instrument as amended by Commission Regulation (EEC) No. 1759/90 (O.J. No. L162, 28.6.90, p. 23), Commission Regulation (EEC) No. 3207/90 (O.J. No. L307, 7.11.90, p. 11) and Commission Regulation (EEC) No. 3750/90 (O.J. No. L360, 22.12.90, p. 40).