

**2009 No. 362**

**FOOD**

**The Food Labelling (Declaration of Allergens) Regulations  
(Northern Ireland) 2009**

*Made* - - - - *6th November 2009*

*Coming into operation* - *4th December 2009*

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

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<sup>(c)</sup>, 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 Food Labelling (Declaration of Allergens) Regulations (Northern Ireland) 2009 and come into operation on 4th December 2009.

**Amendment of the Food Labelling Regulations (Northern Ireland) 1996**

2.—(1) The Food Labelling Regulations (Northern Ireland) 1996<sup>(d)</sup> are amended in accordance with paragraph (2).

(2) In regulation 50 (transitional provision), for paragraph (15) substitute —

“(15) In any proceedings for an offence under regulation 44(a) it shall be a defence to prove that —

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- (a) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)  
(b) 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  
(c) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468 with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No. L188, 18.7.2009, p.14)  
(d) S.R. 1996 No. 383, as last amended by S.R. 2008 No. 198. Regulations 13(8)(c) and 34B and the associated Schedule AA1 were inserted by S.R. 2004 No. 469. Regulation 34B was amended by S.R. 2005 No. 396; Schedule AA1 was amended by S.R. 2007 No. 498 and by SR 2008 No. 198. Paragraph (13) of regulation 50 was inserted by S.R. 2005 No. 198, paragraph (14) of that regulation by S.R. 2007 No. 498 and paragraph 15 of that regulation by S.R. 2008 No. 198

- (a) in the case of —
  - (i) wine in which lysozyme (produced from egg) is used, or in which albumin (produced from egg) or a milk (casein) product has been used as a fining agent, the food concerned was sold before 31st December 2010 or marked or labelled before that date, or
  - (ii) any other food, the food concerned was sold before 31st May 2009 or marked or labelled before that date; and
- (b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendments made by regulation 2 of the Food Labelling (Declaration of Allergens) Regulations (Northern Ireland) 2009 had not been in operation when the food was sold.”.

### **Revocations**

3. The following provision is revoked —

- (a) Regulation 2(6) of The Food Labelling (Declaration of Allergens) Regulations (Northern Ireland) 2008(a).

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 6th November 2009.



*Andrew McCormick*

A senior officer of the Department of Health, Social Services and Public Safety

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Food Labelling Regulations (Northern Ireland) 1996 (“the principal Regulations”).

These Regulations implement the amendment made to Directive 2007/68/EC (OJ No. L310, 28.11.2007, p.11) by Commission Regulation No. 415/2009/EC (OJ No. L125, 21.05.2009, p.52). This Directive itself amends Annex IIIa to Directive 2000/13/EC of the European Parliament and of the Council as regards certain food ingredients (OJ No. L109, 6.5.2000, p.29). The ingredients in question are those that are likely to cause an allergic reaction in some consumers.

The Regulations amend the principal Regulations in respect of the labelling requirements for foods containing allergenic ingredients, including labelling exemptions for certain processed forms of those ingredients, by extending from 31st May 2009 to 31st December 2010 the transitional period for egg derived lysozyme and for albumin (produced from egg) or milk (casein) products when used as fining agents in wine, in respect of wines that are marked, labelled or sold before that date.

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