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## EXPLANATORY NOTE

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

These Regulations make provision to enforce certain provisions of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ No L 304, 22.11.2011, p 18) (“FIC”).

They also implement certain provisions of Article 6 of Directive 1999/2/EC of the European Parliament and of the Council on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation (OJ No L 66, 13.3.1999, p 16) and the second paragraph of subparagraph 1 of Article 3 of Directive 2000/36/EC of the European Parliament and of the Council relating to cocoa and chocolate products intended for human consumption (OJ No L 197, 3.8.2000, p 19).

Regulation 3 contains a derogation relating to milk or milk products presented in a glass bottle intended for reuse. Regulation 4 and Schedule 2 provide a derogation relating to the use of a minced meat designation for minced meat that does not comply with the requirements laid down in Annex VI, Part B, point 1 to FIC.

Regulation 5 enables particulars relating to an allergenic substance or product in a non-prepacked food to be made available (subject to the provisions of the regulation) using any means that a food business operator chooses. The required particulars must be made available under FIC but can be made available using the means provided for in FIC or in accordance with the provisions of regulation 5.

Regulation 6 requires the name of the food to be provided in the case of certain non-prepacked foods and foods prepacked for direct sale. Regulation 7 requires a quantitative indication of the meat content to be given in the case of certain products. Those particulars must be given in one of the ways specified in regulations 6(4) (in the case of the name of the food) and 7(5) (in the case of the meat content indication). The provisions of regulations 6(4) and 7(5) do not apply to an offer for sale made by means of distance communication. Article 14(2) of FIC (as read with other relevant provisions of FIC) applies in the case of such an offer.

Regulation 8 requires certain information to be provided when irradiated food products or food products containing an irradiated ingredient are sold in bulk and when irradiated ingredients are used in certain prepacked food products.

Regulation 9 imposes an obligation on district councils to enforce the Regulations. Regulation 10 makes it an offence to fail to comply with specified provisions of FIC and the allergens related requirement in regulation 5(5). Regulation 11 provides for the punishment of that offence.

Regulation 12 and Schedule 4 apply certain provisions of the [Food Safety \(Northern Ireland\) Order 1991 \(1991 N.I. 7\)](#) to the Regulations with modifications. This includes the application (with modifications) of Article 9(1), enabling an improvement notice to be served to require compliance with specified provisions of FIC and specified provisions of regulations 5 and 8. The provisions, as applied, make the failure to comply with an improvement notice an offence.

Regulation 13 and entry 1 of the table in Part 1 of Schedule 6 revoke most of the Food Labelling Regulations 1996 (S.R. 1996 No. 383) on 13th December 2014. Regulation 13 and entry 1 of the table

**Status:** This is the original version (as it was originally made).

in Part 2 of Schedule 6 revoke the remainder of the provisions in the Food Labelling Regulations (Northern Ireland) 1996 (relating to alcohol-related terms, cream and cheese) on 13th December 2018. Regulation 13 and Schedule 6 also revoke other relevant statutory rules.

Regulation 14 and Schedule 7 amend the Food Labelling Regulations (Northern Ireland) 1996, during the period before those Regulations are revoked (as described above). They make amendments to other statutory rules to take account of the repeal and replacement of the relevant EU legislation and the revocation of the Food Labelling Regulations (Northern Ireland) 1996 and correct the definition of “the additives regulations”.

Regulation 14 and Part 1 of Schedule 7 also amend the Food (Lot Marking) Regulations (Northern Ireland) 1996 (S.R. 1996 No. 384), to take account of the repeal and replacement of Council Directive 89/396/EEC (OJ No L 186, 30.6.1989, p 21) by Directive 2011/91/EU of the European Parliament and of the Council on indications or marks identifying the lot to which a foodstuff belongs (OJ No L 334, 16.12.2011, p 1). Part 2 of Schedule 7 contains the provision implementing the second paragraph of subparagraph 1 of Article 3 of Directive 2000/36/EC of the European Parliament and of the Council (mentioned above).

Regulation 14 and Part 1 of Schedule 7 also amend the Food with added Phytosterols or Phytostanols (Labelling) Regulations (Northern Ireland) 2004 to update the definition of Regulation 608/2004 as amended by Commission Regulation (EU) No 718/2013 until the entire Regulations are revoked by Regulation 13 and Schedule 6 on 13th December 2014.