

The Quick-Frozen Foodstuffs (England) Regulations 2006 (QFF 2006)

Summary Table indicating the origin of each provision in the QFF 2006 and highlighting those that are new

Provision in The QFF Regs 2006 (SI xxx)	Origin of Provision in the QFF 2006 / New Provision(s)
Reg. 1: Title, commencement and application	New Provision
Reg. 2(1): Interpretation	
“the Act”	Taken from QFF 1990 ¹ , Reg. 2(1).
“authorised officer”	Taken from QFF 1990 (see QFF 1994 ² , Reg. 2(a)).
“catering establishment”	Taken from QFF 1990, Reg. 2(1).
“Directive 89/108” ³	New provision – legal definition.
“Directive 92/2” ⁴	New provision – legal definition.
“enforcement authority”	New provision – legal definition.
“food”	New provision – legal definition.
“food authority”	Taken from QFF 1990, Reg. 7(3) – with minor drafting changes.
“local distribution”	Taken from QFF 1990, Schedule 1, 2(d) but with ‘sale’ replaced by ‘placing on the market’.
“placing on the market”	New provision – references to ‘sale’ in QFF 1990 and QFF 1994 have been replaced by ‘placing on the market’. Placing

¹ The Quick-frozen Foodstuffs Regulations 1990. SI 1990/2615, ISBN: 0-11-005716-3

² The Quick-frozen Foodstuffs (Amendment) Regulations 1994. SI 1994/298, ISBN: 0-11-043298-3

³ Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption. OJ No. L40, 11.2.89, p.34 – **to note, this Directive remains in force and relevant provisions have been taken forward in the 2006 SI**

⁴ Commission Directive 92/2/EEC of 13 January 1992 laying down the sampling procedure and the Community method of analysis for the official control of the temperatures of quick-frozen foods intended for human consumption. OJ No. L34, 11.2.92, p.30 – **to note, this Directive remains in force and relevant provisions have been taken forward in the 2006 SI**

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	on the market is defined by reference to Council Regulation 178/2002 ⁵ .
“prepackaging”	Taken from QFF 1990, Reg. 2(1) but definition updated.
“quick-frozen foodstuff”	Definition taken from Article 1(2) of Council Directive 89/108/EEC and reproduced from QFF 1990, Reg. 2(1).
“Regulation 178/2002”	New provision – legal definition.
“Regulation 37/2005” ⁶	New provision – legal definition.
“retail display cabinet”	Taken from QFF 1990 (see QFF 1994, Reg. 2(c)); references to ‘sale’ have been replaced by ‘placing on the market’.
“storage”	Taken from QFF 1990 (see QFF 1994, Reg. 2(c)) but amended slightly.
“specified Community provision”	New provision – legal definition.
“ultimate consumer”	Taken from QFF 1990, Reg. 2(1) but definition updated.
Reg. 2(2) – meaning of expressions from 89/108, 92/2, 37/2005	New provision – legal provision concerning expressions used.
Reg. 2(3)(a), (b) (c) – functions under the Act	New provision – legal provision related to definition of food authority.
Reg. 3: Placing on the market of QFF (linked to Schedule 2)	Taken from QFF 1990, Reg. 3 (see QFF 1994, Reg. 2(d)). Reference to “sale” replaced by “placing on the market” and minor drafting changes.
Reg. 4(a) and (b): Packaging of QFF etc.	Taken from QFF 1990, Reg. 4(a) and (b), implementing Article 7 of Council Directive 89/108/EEC. Reference to “sale” replaced by “placing on the market” and minor drafting changes.

⁵ Council Regulation (EC) No 178/2002 of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Safety Authority and laying down procedures in matters of food safety. OJ No. L31, 1.2.2002, p.1

⁶ Commission Regulation (EC) No 37/2005 of 12 January 2005 on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption. OJ No. L10, 13.1.2005, p.18 – **to note, now in force and repeals and replaces Directive 92/1/EEC**

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Reg. 5(1)-(4): Labelling of QFF	Reference to “sale” replaced by “placing on the market”.
- Reg. 5(1)	Taken from QFF 1990, Reg. 5(1), implements Article 8.1(a) of Council Directive 89/108/EEC.
- Reg. 5(2)	Taken from QFF 1990, Reg. 5(2), implements Article 8.1(a)-(d) of Council Directive 89/108/EEC.
- Reg. 5(3)	Taken from QFF 1990, Reg. 5(3), implements Article 9 of Council Directive 89/108/EEC.
- Reg. 5(4)	Taken from QFF 1990, Reg. 5(4), implements Articles 8 and 9 of Council Directive 89/108/EEC.
Reg. 6: Equipment	Taken from QFF 1990, Reg. 6 but revised slightly as ‘food operator’ substituted for ‘manufacturer, storer, retailer’. Reference to “sale” replaced by “placing on the market”.
Reg.7: Sampling and method of measuring temps	Taken from QFF 1990, Reg. 7A (inserted by QFF 1994, Reg. 2(f)). Implements Article 11 of Council Directive 89/108/EEC and Commission Directive 92/2/EEC.
Reg. 8: Records	Equivalent to QFF 1990, Reg. 6A(2)(c) (inserted by QFF 1994, Reg. 2(e)) but updated to take account of Commission Regulation 37/2005, Article 2(2), second sentence.
Reg. 9: Offences penalties and enforcement	
- Regs. 9(1) & 9(5)	Taken from QFF 1990, Regs. 7(1) and 7(2).
- Reg. 9(2) (linked to Schedule 1)	New provision – sets out offences for failure to comply with provisions of Commission Regulation 37/2005.
- Reg. 9(3) (linked to Schedule 3)	New provision – provides for situations where offences will not have been committed through failure to comply with the first paragraph of Article 2(2) of Commission Regulation 37/2005 as allowed by Article 2(2), second paragraph. Related to QFF 1990, Reg. 6A (inserted by QFF 1994, Reg. 2(e)) in that it allows, under certain circumstances, measuring instruments required by that Regulation to continue to be used until 31 December 2009.
- Reg. 9(4)	This provision continues the derogation for small cold stores (i.e. less than 10 m ³) in retail outlets. This takes advantage of

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	Articles 2 and 3(2) in Commission Regulation 37/2005 that allows for national derogations. The similar derogation in the QFF 1990 Regs was in Reg. 6A and Schedule 2(b) (inserted by QFF 1994, Reg. 2(e)).
Reg. 10: Application of various provisions of the FSA 1990	Equivalent to QFF 1990, Reg. 8 – with minor change in relation to the meaning of ‘sale’.
Reg. 11: Revocation	New provision.
Schedule 1: Specified Community Provisions (all from 37/2005)	
- Article 2.1: use of suitable recording instruments	Similar to QFF 1990, Reg. 6A(1) and Reg. 6A(2)(a) (inserted by QFF 1994, Reg. 2(e)). The QFF 1990 reference to rail transport has been omitted as 37/2005 applies to all means of transport.
- Article 2.2 (1 st sentence, 1 st para.): measuring instruments are compliant with CEN standards	New provision – derived from Commission Regulation 37/2005 which now requires measuring instruments (used to monitor air temperature of quick-frozen foodstuffs) to comply with CEN standards.
- Article 2.2 (2 nd sentence, 1 st para.): Retention of docs. verify instrument conformation to relevant EN standard	New provision – derived from Commission Regulation 37/2005. A requirement to keep documentation related to measuring equipment CEN standards.
- Article 2.3: temp. recording be dated / stored for 1 year or longer	Requirement now in Commission Regulation 37/2005. This is not a new requirement. It was originally contained in Commission Directive 92/1/EEC ⁷ and implemented via QFF 1990, Reg. 6A(2)(b) (inserted by QFF 1994, Reg. 2(e)).
- Article 3.1 (1 st para.): derogates from Art.2	This derogation is now in Commission Regulation 37/2005. This derogation was originally in Commission Directive

⁷ Commission Directive 92/1/EEC of 13 January 1992 on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption. OJ No. L34, 11.2.92, p.28 – **to note this Directive has been repealed and replaced by Commission Regulation 37/2005**

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that air temp. during storage in retail display cabinets & in local distribution can be measured by at least one easily visible thermometer	92/1/EEC and was previously implemented via QFF 1990, Reg. 6A(1) and Schedule 2(c) and (g) (inserted by QFF 1994, Reg. 2(e)).
- Article 3.1 (2 nd para., (a) & (b)): provisions for open retail cabinets	This requirement is now in Commission Regulation 37/2005. It is not a new requirement and was originally in Commission Directive 92/1/EEC and was previously implemented via QFF 1990, Reg. 6A(1) and Schedule 2(d) (inserted by QFF 1994, Reg. 2(e)).
Schedule 2: Conditions which must be fulfilled by a QFF	
1 (a) – (f)	Requirements implement Article 1.2 and Articles 3 and 4 of Council Directive 89/108/EEC. They were previously implemented via Regulation 3 and Schedule 1(1) of QFF 1990 Regulations.
2 (a) (i) – (iii)	The authorised cryogenic media are derived from requirements in Article 4 of Council Directive 89/108/EEC. They were previously implemented via Regulation 3 and Schedule 1, para. 2 (a) (i)-(iii) of QFF 1990 Regulations. Note that R12 (dichlorodifluoromethane) is no longer authorised and, therefore, has been deleted.
2 (b) (i) and (ii)	Permitted exceptions relating to temperature requirements during transport (including local distribution) and in retail display cabinets. These exceptions implement those parts of Article 5 of Council Directive 89/108/EEC that still apply (i.e. Articles 5.1 and 5.2). Previously these exceptions were implemented via Regulation 3 and Schedule 1 of the QFF 1990 Regulations.
Schedule 3: Transitional Requirements for Measuring Instruments installed before 1 January 2006	
1 & 2 – Application	New provision – implements Article 2(2), second paragraph of Commission Regulation 37/2005 which concerns transitional

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	provisions relating to the measuring instruments.
3 – Requirements	Reproduces, with minor amendments, the requirements of QFF 1990, Reg. 6A and Schedule 2 (inserted by QFF 1994, Reg. 2(e)).