

2019 No. 0000

FOOD

The Food Safety (Information and Compositional Requirements) (Amendment) Regulations (Northern Ireland) 2019

Made - - - - *0th Month 2019*

Coming into operation - *22nd February 2019*

The Department of Health^(a) makes the following Regulations in exercise of the powers conferred by Articles 15(1), 16(1), 25(1), (2)(e) and (3), 26(3), 32(1) and 47(2) of the Food Safety (Northern Ireland) Order 1991^(b).

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 provisions of Regulation (EU) No 1169/2011^(c) 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 Directive 2002/67/EC, Commission Directive 2008/5/EC and Commission Regulation (EC) No 608/2004 or to provisions of Commission Implementing Regulation (EU) No. 828/2014^(d) on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food, specified in Regulation 2(2)(b) to be construed as references to those provisions as amended from time to time.

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.

As required by Article 9 of Regulation (EU) No 178/2002^(e) 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 there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

(a) Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (N.I.), section 1(5)
(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 L 304, 22.11.2011, p18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L27, 30.1.2014, p 7)
(d) OJ No L 228, 31.7.2014, p 5
(e) OJ No. L31, 1.2.2002, p1 last amended by Commission Regulation (EC) No 596/2009 (OJ No L 188, 18.7.2009, p 14)

Citation and commencement

1. These Regulations may be cited as the Food Safety (Information and Compositional Requirements) (Amendment) Regulations (Northern Ireland) 2019 and come into operation on [22 February 2019].

Interpretation

2. In these Regulations—

- (i) “the Order” means the Food Safety (Northern Ireland) Order 1991;
- (ii) “the 2000 Regulations” means the Medical Food Regulations (Northern Ireland) 2000(a) ; and
- (iii) “the 2016 Regulations” means the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016(b).

Amendment of regulation 2 of the 2016 Regulations

3.—(1) Regulation 2 of the 2016 Regulations is amended as follows:

(2) In paragraph (1) –

- (a) before the definition of “the EU regulation” insert ““the Delegated Regulation” means Commission Delegated Regulation (EU) 2016/128 supplementing Regulation (EU) 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for food for special medical purposes;”;
- (b) in the definition of “specified EU requirement”, after “the EU Regulation” insert “or the Delegated Regulation”

Amendment of Schedule 1 to the 2016 Regulations

4. Replace the table in Schedule 1 with the following:

<i>Column 1</i>	<i>Column 2</i>
<i>Specified provision of the EU Regulation</i>	<i>Provisions to be read with the specified provision of the EU Regulation</i>
Article 4(2) (requirement for relevant food to be pre-packed)	Articles 1(1) and 4(1)
Article 9(1) (requirement for the composition of food to be nutritionally appropriate and suitable)	Articles 1(1), 4(1) and 9(3) and (4)
Article 9(2) (prohibition on substances in dangerous quantities)	Articles 1(1) and 4(1)
Article 9(5) (requirements as to labelling, presentation and advertising of relevant food)	Articles 1(1), 4(1) and 9(6)
Article 10 (additional requirements for infant formula and follow-on formula)	Article 4(1)
<i>Specified provision of the Delegated Regulation</i>	<i>Provisions to be read with the specified provision of the Delegated Regulation</i>
Article 2(2) (requirement for the formulation of food to be safe, beneficial and effective)	Article 1
The second paragraph of Article 2(3) (requirement for food to comply with Part B of Annex I)	Articles 1, and 2(4), and Part B of Annex I
Article 5(2) (a)-(i) (specific requirements on food information)	Articles 1, and 5(1), and 5(3)

a S.R. 2000 No. 187

b S.R. 2016 No. 251

Article 6 (specific requirements on the nutrition declaration)	Article 1
Article 7 (Nutrition and health claims)	Article 1
Article 9 (notification requirement)	Article 1

Revocation and Transitional measures

5. Subject to paragraph (2), the 2000 Regulations are revoked in relation to food for special medical purposes.

6. The 2000 Regulations shall continue to apply to –

- (a) Food for special medical purposes developed to satisfy the nutritional needs of infants;
- (b) Food for special medical purposes that is labelled or placed on the market before 22 February 2019.

Sealed with the official seal of the Department of Health on 0th Month 2018



Name

A senior officer of the Department of Health

Explanatory note

(This note is not part of the Regulations)

These regulations amend the Food Safety (Information and Compositional Requirements Regulations (Northern Ireland) 2016 (“the 2016 Regulations”), which make provision to enforce the requirements of Regulation (EU) No 609/2013 of the European Parliament and of the Council on the provisions of food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control.

The 2016 Regulations provide for the enforcement of requirements specified by Regulation (EU) No 609/2013 by applying, with modifications, certain provisions of the Food Safety (Northern Ireland) Order 1991, to the 2016 regulations.

These regulations make provision to enforce 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.

The specific information and compositional requirements of food for special medical purposes are inserted into schedule 1 of the 2016 Regulations, and become ‘specified EU requirements’, to which the modified provisions of the Food Safety (Northern Ireland) Order 1991 apply. This enables an improvement notice to be served requiring compliance. A failure to comply with an improvement notice is a criminal offence.

These regulations revoke the Medical Food Regulations (Northern Ireland) 2000 except in relation to food for medical purposes developed to satisfy the nutritional needs of infants, and in relation to food that is labelled or placed on the market before 22 February 2019, to which they will continue to apply.