



STATUTORY INSTRUMENTS.

S.I. No. 559 of 2016

EUROPEAN UNION (PROVISION OF FOOD INFORMATION TO
CONSUMERS) (AMENDMENT) (NO. 2) REGULATIONS 2016

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I, SIMON HARRIS, Minister for Health, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Commission Regulation (EC) No. 1169/2011 of 25 October 2011¹, hereby make the following regulations:

1. (1) These Regulations may be cited as the European Union (Provision of Food Information to Consumers) (Amendment) (No. 2) Regulations 2016.

(2) The Principal Regulations, the European Union (Provision of Food Information to Consumers) (Amendment) Regulations 2016 (S.I. No. 389 of 2016) and these Regulations may be cited together as the European Union (Provision of Food Information to Consumers) Regulations 2014 and 2016.

(3) These Regulations come into operation on 13 December 2016.

2. In these Regulations, “Principal Regulations” means the European Union (Provision of Food Information to Consumers) Regulations (S.I. No. 556 of 2014).

3. Regulation 7 of the Principal Regulations is amended by substituting for paragraph (4) the following paragraphs:

“(4) Subject to paragraphs (4A) and (4B), in the case of foods listed in Annex V to the EU Regulation, the food business operator is not guilty of an offence under paragraph (1) where the only particular not indicated is that listed at paragraph (1)(l).

(4A) For the purpose of paragraph (4) and Point 19 of Annex V to the EU Regulation—

‘local retail establishments’ means retail establishments not more than 100 km from the place of manufacture;

‘manufacturer of small quantities of products’ means a manufacturer who supplies, in total, no more than—

(a) 250 kilograms or litres of products per week, or 13,000 kilograms or litres of products per year, or

(b) 500 units per week, or 26,000 units per year,

¹OJ L 304, 22.11.2011, p. 18.

and for these purposes a ‘unit’ means the form in which a product is offered for sale to the final consumer.

(4B) For the purpose of paragraph (4) and Point 19 of Annex V to the EU Regulation—

- (a) the product must be supplied by the manufacturer—
 - (i) directly to the final consumer, or
 - (ii) to local retail establishments directly supplying the final consumer,
- (b) the food business operator bears the onus of proving that the terms of the exemption are satisfied,
- (c) it is presumed that the terms of the exemption are not satisfied until the contrary is proven by the food business operator,
- (d) a food business operator availing of the exemption shall provide confirmation of his or her right to avail of the exemption to the local retail establishment on the commercial documents referring to the food,
- (e) the food business operator shall produce, at the request of an authorised officer, all documents or records which prove that the terms of the exemption are satisfied,
- (f) where the food business operator maintains electronic records or other such records in a non-legible form, he or she shall provide an authorised officer, on request, with copies of or extracts from such records, in a permanent legible form, and
- (g) the food business operator shall maintain the records and documents referred to in subparagraphs (e) and (f) until it can be reasonably assumed that the food has been consumed, or for a period of not less than two years, whichever is the greater”.



GIVEN under my Official Seal,
9 November 2016.

SIMON HARRIS,
Minister for Health.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations are intended to define “small quantities” and “local” as referred to in Point 19 of Annex V of Regulation (EC) No. 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers. Food directly supplied by the manufacturer to the final consumer or to retail establishments directly supplying the final consumer, where the retail establishment is within 100km of the manufacturing establishment and which fall within the meaning of ‘small quantities’ are exempted from the requirement of the mandatory nutrition declaration.

These Regulations come into operation on 13 December 2016.

These Regulations amend the European Union (Provision of Food Information to Consumers) Regulations 2014 (S.I. No. 556 of 2014) in the manner specified in these Regulations.

These Regulations may be cited as the European Union (Provision of Food Information to Consumers) (Amendment) (No. 2) Regulations 2016.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
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