



STATUTORY INSTRUMENTS.

S.I. No. 378 of 2011



EUROPEAN COMMUNITIES (MARKETING STANDARDS) (CROPS
AND OILS) REGULATIONS 2011

(Prn. A11/1235)

EUROPEAN COMMUNITIES (MARKETING STANDARDS) (CROPS AND OILS) REGULATIONS 2011

I, SIMON COVENEY, Minister for Agriculture, Fisheries and Food, 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 full effect to Commission Regulation (EC) No. 2257/94 of 16 September 1994¹ as amended by Commission Regulation (EC) No.1135/96 of 24 June 1996², Commission Regulation (EC) No. 386/97 of 28 February 1997³ and Commission Regulation (EC) No. 228/2006 of 9 February 2006⁴, Commission Regulation (EC) No. 2898/95 of 15 December 1995⁵ as amended by Commission Regulation (EC) No. 465/96 of 14 March 1996⁶, Council Regulation (EC) No. 1234/2007 of 22 October 2007⁷ as amended by Council Regulation (EC) No. 247/2008 of 17 March 2008⁸, Council Regulation (EC) No. 248/2008 of 17 March 2008⁹, Council Regulation (EC) No. 361/2008 of 14 April 2008¹⁰, Council Regulation (EC) No. 470/2008 of 26 May 2008¹¹, Commission Regulation (EC) No. 510/2008 of 6 June 2008¹², Council Regulation (EC) No. 13/2009 of 18 December 2008¹³, Council Regulation (EC) No. 72/2009 of 19 January 2009¹⁴, Commission Regulation (EC) No. 183/2009 of 6 March 2009¹⁵, Commission Regulation (EC) No. 435/2009 of 26 May 2009¹⁶, Council Regulation (EC) No. 491/2009 of 25 May 2009¹⁷, Council Regulation (EC) No. 1047/2009 of 19 October 2009¹⁸, Council Regulation (EC) No. 1140/2009 of 20 November 2009¹⁹, Commission Regulation (EU) No. 513/2010 of 15 June 2010²⁰ and Regulation (EU) No. 1234/2010 of the European Parliament and of the Council of 15 December 2010²¹, Commission Regulation (EC) No. 1580/ 2007 of 21 December 2007²² as amended by Commission Regulation

¹O.J. L245, 20.9.1994, p. 6

²O.J. L150, 25.6.1996, p. 38

³O.J. L60, 1.3.2007, p. 53

⁴O.J. L39, 10.2.2006, p. 7

⁵O.J. L304, 16.12.1995, p. 17

⁶O.J. L65, 15.3.1996, p. 5

⁷O.J. L299, 16.11.2007, p. 1

⁸O.J. L76, 19.3.2008, p. 1

⁹O.J. L76, 19.3.2008, p. 6

¹⁰O.J. L121, 7.5.2008, p. 1

¹¹O.J. L140, 30.5.2008, p. 1

¹²O.J. L149, 7.6.2008, p. 61

¹³O.J. L5, 9.1.2009, p. 1

¹⁴O.J. L30, 31.1.2009, p. 1

¹⁵O.J. L63, 7.3.2009, p. 9

¹⁶O.J. L128, 27.5.2009, p. 12

¹⁷O.J. L154, 17.6.2009 p. 1

¹⁸O.J. L290, 6.11.2009, p. 1

¹⁹O.J. L312, 27.11.2009, p. 4

²⁰O.J. L150, 16.6.2010, p. 40

²¹O.J. L346, 30.12.2010, p. 11

²²O.J. L350, 31.12.2007, p. 1

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 15th July, 2011.

(EC) No. 292/2008 of 1 April 2008²³, Commission Regulation (EC) No. 352/2008 of 18 April 2008²⁴, Commission Regulation (EC) No. 498/2008 of 4 June 2008²⁵, Commission Regulation (EC) No. 514/2008 of 9 June 2008²⁶, Commission Regulation (EC) No. 590/2008 of 23 June 2008²⁷, Commission Regulation (EC) No. 853/2008 of 18 August 2008²⁸, Commission Regulation (EC) No. 1050/2008 of 24 October 2008²⁹, Commission Regulation (EC) No. 1221/2008 of 5 December 2008³⁰, Commission Regulation (EC) No. 1277/2008 of 17 December 2008³¹, Commission Regulation (EC) No. 1327/2008 of 19 December 2008³², Commission Regulation (EC) No. 313/2009 of 16 April 2009³³, Commission Regulation (EC) No. 434/2009 of 26 May 2009³⁴, Commission Regulation (EC) No. 441/2009 of 27 May 2009³⁵, Commission Regulation (EC) No. 635/2009 of 14 July 2009³⁶, Commission Regulation (EC) No. 771/2009 of 25 August 2009³⁷, Commission Regulation (EC) No. 772/2009 of 25 August 2009³⁸, Commission Regulation (EC) No. 1031/2009 of 29 October 2009³⁹, Commission Regulation (EU) No. 1256/2009 of 15 December 2009⁴⁰, Commission Regulation (EU) No. 74/2010 of 26 January 2010⁴¹, Commission Regulation (EU) No. 331/2010 of 22 April 2010⁴², Commission Regulation (EU) No. 460/2010 of 27 May 2010⁴³, Commission Regulation (EU) No. 680/2010 of 29 July 2010⁴⁴, Commission Regulation (EU) No. 687/2010 of 30 July 2010⁴⁵, Commission Regulation (EU) No. 816/2010 of 16 September 2010⁴⁶, Commission Regulation (EU) No. 905/2010 of 11 October 2010⁴⁷ and Commission Regulation (EU) No. 1154/2010 of 8 December 2010⁴⁸, Commission Regulation (EC) No. 1019/2002 of 13 June 2002⁴⁹ as amended by Commission Regulation (EC) No. 1176/2003 of 1 July 2003⁵⁰, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Communities (Marketing Standards) (Crops and oils) Regulations 2011.

²³O.J. L90, 2.4.2008, p. 3

²⁴O.J. L109, 19.4.2008, p. 9

²⁵O.J. L146, 5.6.2008, p. 7

²⁶O.J. L150, 10.6.2008, p. 7

²⁷O.J. L163, 24.6.2008, p. 24

²⁸O.J. L232, 30.8.2008, p. 3

²⁹O.J. L282, 25.10.2008, p. 10

³⁰O.J. L336, 13.12.2008, p. 1

³¹O.J. L339, 18.12.2008, p. 76

³²O.J. L345, 23.12.2008, p. 24

³³O.J. L98, 17.4.2009, p. 24

³⁴O.J. L128, 27.5.2009, p. 10

³⁵O.J. L129, 28.5.2009, p. 10

³⁶O.J. L191, 23.7.2009, p. 3

³⁷O.J. L223, 26.8.2009, p. 3

³⁸O.J. L223, 26.8.2009, p. 20

³⁹O.J. L283, 30.10.2009, p. 47

⁴⁰O.J. L338, 19.12.2009, p. 20

⁴¹O.J. L23, 27.1.2010, p. 28

⁴²O.J. L102, 23.4.2010, p. 8

⁴³O.J. L129, 28.5.2010, p. 50

⁴⁴O.J. L198, 30.7.2010, p. 5

⁴⁵O.J. L199, 31.7.2010, p. 12

⁴⁶O.J. L245, 17.9.2010, p. 14

⁴⁷O.J. L268, 12.10.2010, p. 19

⁴⁸O.J. L324, 9.12.2010, p. 40

⁴⁹O.J. L155, 14.6.2002, p. 27

⁵⁰O.J. L164, 2.7.2003, p. 12

Interpretation

2. (1) In these Regulations—

“authorised officer” means—

- (a) a person appointed under Regulation 8,
- (b) a member of an Garda Síochána, or
- (c) an officer of Customs and Excise;

“Banana Regulation” means Commission Regulation (EC) No. 2257/94 of 16 September 1994 (as amended by Commission Regulation (EC) No. 1135/96 of 24 June 1996, Commission Regulation (EC) No. 386/97 of 28 February 1997 and Commission Regulation (EC) No. 228/2006 of 9 February 2006);

“Commission Regulation” means Commission Regulation (EC) No. 1580/2007 of 21 December 2007 as amended by Commission Regulation (EC) No. 292/2008 of 1 April 2008, Commission Regulation (EC) No. 352/2008 of 18 April 2008, Commission Regulation (EC) No. 1221/2008 of 5 December 2008 and Commission Regulation (EC) No. 771/2009 of 25 August 2009;

“Council Regulation” means Council Regulation (EC) No. 1234/2007 of 22 October 2007 as amended by Council Regulation (EC) No. 247/2008 of 17 March 2008, Council Regulation (EC) No. 248/2008 of 17 March 2008, Council Regulation (EC) No. 361/2008 of 14 April 2008, Council Regulation (EC) No. 470/2008 of 26 May 2008, Commission Regulation (EC) No. 510/2008 of 6 June 2008, Council Regulation (EC) No. 13/2009 of 18 December 2008, Council Regulation (EC) No. 72/2009 of 19 January 2009 and Commission Regulation (EC) No. 183/2009 of 6 March 2009;

“Crop or oil” means a fruit, vegetable or other plant or an oil referred to in these Regulations;

“Minister” means Minister for Agriculture, Fisheries and Food;

“Olive oil Regulation” means Commission Regulation (EC) No. 1019/2002 of 13 June 2002 as amended by Commission Regulation (EC) No. 1176/2003 of 1 July 2003;

“premises” includes land (with or without buildings), buildings, vehicle, wagon, aircraft and vessel.

(2) A word or expression that is used in these Regulations and is also used in the Council Regulation, the Commission Regulation, the Olive oil Regulation or the Banana Regulation has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Council Regulation, the Commission Regulation, the Olive oil Regulation or the Banana Regulation.

Fruit and vegetables

3. (1) A person who—

- (a) markets a fruit or vegetable in contravention of Article 113a(1),
- (b) displays a fruit or vegetable in contravention of Article 113a(3), or
- (c) otherwise contravenes a provision (mentioned in this Regulation),
of the Council Regulation commits an offence.

(2) A person who—

- (a) fails to comply with a general marketing standard referred to in Article 2a(1),
- (b) markets a fruit or vegetable that does not comply with a general marketing standard referred to in Article 2a(1),
- (c) fails to comply with a specific marketing standard referred to in Article 2a(2),
- (d) markets a fruit or vegetable that does not comply with a specific marketing standard referred to in Article 2a(2),
- (e) fails to provide information as required by Article 4,
- (f) markets a fruit or vegetable without information required by Article 4,
- (g) fails, at retail stage, to give information as required by Article 5,
- (h) markets, at retail stage, a fruit or vegetable without information required by Article 5,
- (i) in marketing a package containing mixes of fruit and vegetables, contravenes Article 6,
- (j) fails, when requested by an authorised officer, to provide information as required by Article 9(5), 10(4) or 20, or
- (k) otherwise contravenes a provision (mentioned in this Regulation),

of the Commission Regulation commits an offence.

Bananas

4. A person who contravenes a marketing standard laid down in Article 1 of the Banana Regulation or in Commission Regulation (EC) No. 2898/1995 of 15 December 1995 commits an offence.

Hops

5. A person who—

- (a) markets or exports a product of the hops sector in contravention of Article 117, or
- (b) imports a product of the hops sector other than in accordance with Article 158, of the Council Regulation commits an offence.

Olive oil, etc.

6. (1) A person who markets olive oil or pomace oil in contravention of Article 118, or otherwise contravenes that Article of the Council Regulation commits an offence.

(2) A person who, at the retail stage, markets olive oil or pomace oil—

- (a) packaged other than in accordance with Article 2,
- (b) labelled other than in accordance with Article 3,
- (c) marked with a designation of origin other than in accordance with Article 4,
- (d) uses an optional indication referred to in Article 5 other than in accordance with that Article,
- (e) in a blend other than in accordance with Article 6(1) or (3),
- (f) in a foodstuff other than in accordance with Article 6(2) or (3),
- (g) fails to supply documentation in accordance with Article 7, or
- (h) otherwise contravenes a provision (mentioned in this paragraph),

of the Olive Oil Regulation commits an offence.

Hemp

7. A person who imports hemp that does not conform to Article 157, or otherwise contravenes that Article of the Council Regulation commits an offence.

Appointment of authorised officer

8. (1) The Minister may, by instrument in writing, appoint such and so many persons or a class of persons as he or she thinks fit to be authorised officers for the purposes of some or all of the functions of an authorised officer as may be specified in the instrument.

(2) The Minister may terminate the appointment of an authorised officer appointed by him or her and the Minister may terminate an appointment under paragraph (1), whether or not the appointment was for a fixed period.

(3) An appointment as an authorised officer ceases—

- (a) if it is terminated under paragraph (2),
- (b) if it is for a fixed period, on the expiry of that period, or
- (c) if the person appointed is an officer of the Minister upon the person ceasing to be such an officer.

(4) Nothing in paragraph (3) is to be construed so as to prevent the Minister from reappointing as an authorised officer a person to whom paragraph (3) relates.

(5) An officer of the Minister shall furnish an authorised officer (other than a taxes consolidation officer or member of the Garda Síochána) with a warrant of his or her appointment as an authorised officer and, when exercising a power conferred on him or her, the officer, taxes consolidation officer or member of the Garda Síochána shall, if requested by a person affected, produce the warrant or evidence that he or she is such an officer or member to the person.

Functions of authorised officer

9. (1) If an authorised officer has reasonable cause to suspect that—

- (a) a crop or oil is present, has been present or may be present on a premises,
- (b) a crop or oil is or has been kept, processed, stored or otherwise dealt with on a premises,
- (c) equipment, plant or machinery used in connection with a crop or oil is or may be on a premises,
- (d) a document relating to a thing referred to in paragraph (a), (b) or (c) is present, was present or may be present on a premises,

the authorised officer may enter the premises and he or she may—

- (i) search the premises,
- (ii) stop a person, vehicle, vessel or container,
- (iii) board and search a vehicle, vessel or container,
- (iv) examine a crop or oil,
- (v) take, without payment, samples of a crop or oil or an article, substance or liquid as he or she may reasonably require and carry out or cause to be carried out on a sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient,
- (vi) require the production of a document (including a document in non-legible form in a legible form) or thing relating to a crop or oil,

- (vii) retain a document or thing (for so long as is necessary),
- (viii) make a record using any means including writing, photography or video,
- (ix) give a direction to, or request information of, a person regarding a crop or oil as he or she considers necessary,
- (x) require the name and address of a person and the name and address of any other person including the owner of, or person to whom a crop or oil is being delivered or who is causing it to be delivered,
- (xi) require of a person the ownership, identity and origin of a crop or oil,
- (xii) require a person in charge or control of a vessel, vehicle or container to refrain from moving it, or
- (xiii) mark or otherwise identify a crop or oil or a sample taken under subparagraph (v).

(2) If an authorised officer has reasonable cause to suspect that—

- (a) an offence is being or has been committed under these Regulations,
- (b) a contravention of an act of the institutions of the European Union relating to a crop or oil is being or has been committed, or
- (c) evidence of an offence or contravention may be, is or has been on a premises—

the authorised officer may, in addition to the powers exercisable by him or her under paragraph (1)—

- (i) seize and detain a crop or oil,
- (ii) dispose of, or require the owner or person in charge of or in possession of a crop or oil to deal with or dispose of it (or any equipment, machinery, plant or other thing used in connection with, or that may have been in contact with, the crop or oil) in a manner that the authorised officer sees fit.

(3) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling, unless he or she has obtained a search warrant under Regulation 10 other than if he or she has reasonable cause to suspect that before a search warrant could be sought in relation to the dwelling anything to which paragraph (1) or (2) relates is being or is likely to be destroyed or disposed of.

(4) An authorised officer may use reasonable force, if necessary, in exercise of his or her powers under this Regulation.

(5) An authorised officer, when exercising a power under this Regulation may be accompanied by other persons and may take with him or her, any equipment or materials to assist the officer in the exercise of the power.

(6) An authorised officer is not liable in any proceedings for anything done in the purported exercise of his or her powers under this regulation if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

(7) If in the course of exercising any powers under these Regulations an authorised officer or a member of the Garda Síochána finds or comes into possession of any thing that the officer or member believes to be evidence of an offence or suspected offence under these Regulations, it may be seized and retained for use in evidence in criminal proceedings.

Search warrant

10. (1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for suspecting—

- (a) that there is on a premises, vehicle, vessel or aircraft a crop or oil,
- (b) that there is on a premises, vehicle, vessel or aircraft a document, record or other thing relating to a crop or oil, or
- (c) that there is evidence of a contravention of these Regulations,

the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers as the named authorised officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter (if necessary by use of reasonable force) the premises, vehicle, vessel or aircraft named in the warrant.

(3) If a premises is entered under the warrant, an authorised officer so entering may exercise all or any of the powers conferred on an authorised officer under these Regulations.

Obstruction

11. A person who—

- (a) obstructs or impedes an authorised officer in the exercise of his or her powers under Regulation 9,
- (b) fails, without reasonable cause, to comply with a requirement or direction of an authorised officer under Regulation 9, or
- (c) in purporting to give information to an authorised officer for the performance of the officer's powers under Regulation 9—

- (i) makes a statement that he or she knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or
- (ii) fails to disclose a material particular,

commits an offence.

Forgery

12. (1) A person shall not forge or alter or utter knowing it to be forged or altered with intent to defraud or deceive—

- (a) a label, document or record referred to in the Banana Regulation, the Council Regulation, the Commission Regulation or Commission Regulation (EC) No. 2898/1995 of 15 December 1995,
- (b) an entry in a register, an approval, authorisation or licence issued for the purposes of the Banana Regulation, the Council Regulation, the Commission Regulation or Commission Regulation (EC) No. 2898/1995 of 15 December 1995,
- (c) a certificate referred to in Article 117 of the Council Regulation, or
- (d) a requirement or direction of an authorised officer under Regulation 9 (if the requirement or direction is in writing) or a compliance notice.

(2) A person shall not have, without lawful authority, in his or her possession or control a forged or altered document.

(3) A person who contravenes this Regulation commits an offence.

Compliance notice

13. (1) Without prejudice to Regulation 9, if an authorised officer has reasonable grounds to suspect that—

- (a) the Banana Regulation, the Commission Regulations, the Council Regulation or the Olive Oil Regulation or these Regulations is not being or has not been complied with or there are reasons to believe that such legislation will not be complied with, or
- (b) it is necessary, ancillary or supplementary for the Banana Regulation, the Commission Regulations, the Council Regulation or the Olive Oil Regulation to have full effect,

he or she may serve or cause to be served on the owner or person who appears to be in charge, possession or control of a premises or crop or oil a notice (“compliance notice”) stating that opinion and directing that—

- (i) a crop or oil be dealt with in a manner specified in the notice,
- (ii) such alterations be made to a premises or operations at a premises as the officer specifies in the notice,

- (iii) a crop or oil be disposed of in such manner as the officer specifies in the notice,
- (iv) a specified operation or activity cease on a premises,
- (v) a specified operation or activity take place only in a manner specified in the notice,
- (vi) a specified type or level of sampling and analysis be undertaken for a period specified in the notice, or
- (vii) a specified operation or activity may only be carried out under and in accordance with such terms and conditions as are specified in the compliance notice.

(2) A person who contravenes a compliance notice or a requirement of a compliance notice unless and until the notice is annulled under Regulation 14 commits an offence.

(3) A requirement contained in a compliance notice shall specify a time limit within which the notice is to be complied with.

(4) A requirement specified in a compliance notice (in this paragraph referred to as “the earlier compliance notice”) may be amended or withdrawn by a further notice in writing and the earlier compliance notice has effect subject to such amendment or withdrawal.

(5) A compliance notice, whether amended under paragraph (4) or not, may require the owner or person in charge of a crop or oil to choose between one or more of the requirements specified in the compliance notice and that person shall comply with the alternative requirement that he or she chooses.

Appeal against compliance notice

14. (1) A person affected by a compliance notice may, within 7 days of service of the compliance notice, apply to the Judge of the District Court having jurisdiction in the District Court District where the crop or oil is situated or to the Judge of the District Court having jurisdiction in the District Court District where the person ordinarily resides on the grounds that the compliance notice or any terms of the compliance notice are not reasonable, having regard to the Banana Regulation, the Council Regulation, the Commission Regulation, the Olive oil Regulation or these Regulations (in this Regulation referred to as “an appeal”).

(2) An appeal may be heard at any sitting of the District Court within the appropriate District Court Area.

(3) A person making an appeal shall serve notice of the appeal, which shall contain a statement of the grounds upon which it is alleged that the compliance notice or any term of the compliance notice is unreasonable having regard to the Banana Regulation, the Council Regulation, the Commission Regulation, the Olive oil Regulation or these Regulations, on the appropriate registering

authority at least 48 hours prior to the hearing of the appeal and a copy of the notice of appeal shall be lodged with the appropriate District Court Clerk.

(4) On the hearing of an appeal, a Judge of the District Court may confirm, with or without modification, or annul a compliance notice.

(5) A person, including a person on whom a compliance notice is served, who—

(a) pending the determination of an appeal, deals with a crop or oil to which a compliance notice relates other than under and in accordance with the notice, or

(b) after the appeal, deals with a crop or oil to which a compliance notice relates other than under and in accordance with the compliance notice or compliance notice as modified,

commits an offence.

Service of compliance notice

15. (1) A compliance notice shall, subject to paragraph (2), be addressed to the person concerned by name and may be served on a person—

(a) by giving it to the person,

(b) by leaving it at the address at which the person ordinarily resides or, where an address for service has been furnished, at that address,

(c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, where an address for service has been furnished, at that address,

(d) by electronic communication, or

(e) if the address at which the person ordinarily resides cannot be ascertained by reasonable enquiry and the compliance notice relates to a premises, by delivering it to the premises or by affixing it in a conspicuous position on or near the premises.

(2) If a compliance notice is to be served on a person who is the owner or person in charge of a crop or oil and the name of the person cannot be ascertained by reasonable enquiry, it may be addressed to that person by using the words “the owner” or “the person in charge”.

(3) A person shall not, at any time within 6 months after a compliance notice is affixed under paragraph (1)(e), remove, damage or deface the notice without lawful authority.

(4) For the purposes of this Regulation, a company within the meaning of the Companies Acts is considered to be ordinarily resident at its registered office and every other body corporate or unincorporated body is considered to be ordinarily resident at its principal office or place of business.

Fixed payment notice

16. (1) If an officer of the Minister authorised in that behalf has reasonable grounds for suspecting that a person is committing or has committed an offence under these Regulations, he or she may serve a notice in writing on that person stating that—

- (a) the person is alleged to have committed the offence,
- (b) the person may during the period of 28 days from the date of the notice make to the Minister a payment of €250 accompanied by the notice, and
- (c) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(2) If notice is given under paragraph (1)—

- (a) a person to whom the notice applies may, during the period specified in the notice, make to the Minister at the address specified in the notice the payment specified in the notice accompanied by the notice,
- (b) the Minister may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it, and
- (c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In a prosecution for an offence under these Regulations, the onus of proving that a payment pursuant to a notice under this Regulation has been made lies on the defendant.

Offences

17. (1) A person who commits an offence under these Regulations is liable, on summary conviction, to a class A fine under the Fines Act 2010.

(2) If an offence under these Regulations is committed by a body corporate and is proved to be so committed with the consent or connivance of or be attributable to any neglect on the part of a person being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(3) An offence under these Regulations may be prosecuted by-

- (a) the Minister, or

(b) in the case of a contravention of the Olive Oil Regulation or Regulation 5 of these Regulations, the Health Service Executive.

Revocation

18. The European Communities (Marketing Standards) (Crops and Oils) Regulations 2010 (S.I. No. 153 of 2010) are revoked



GIVEN under my Official Seal,
30 June 2011.

SIMON COVENEY, T.D.,
Minister for Agriculture, Fisheries and Food.

EXPLANATORY NOTE

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

These regulations supplement the provisions in the European Community Regulations related to the application of quality standards for crops and oils, including fresh fruit and vegetables, by providing the necessary powers for authorised officers and by updating penalties for offences.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)
or through any bookseller.

€3.81

