

This Statutory Instrument has been printed in substitution of the SI of the same number and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2014 No. 1855

FOOD

The Food Information Regulations 2014

Made - - - -

14th July 2014

Laid before Parliament

15th July 2014

Coming into force in accordance with regulation 1 (5) to (8)



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The following Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(a) and it appears to the Secretary of State that it is expedient for references to 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(b) in particular provisions of these Regulations to be construed as a reference to that Regulation as amended from time to time.

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972—

- (a) in relation to the common agricultural policy(c);
- (b) in relation to measures relating to the description of and other requirements relating to spirit drinks(d);
- (c) in relation to measures relating to food (including drink) including the primary production of food(e); and
- (d) in relation to changes in terminology or numbering arising out of the Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community signed at Lisbon on 13th December 2007(f).

(a) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).
(b) OJ No L 304, 22.11.2011, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p 7).
(c) S.I. 1972/1811, to which there are amendments not relevant to these Regulations.
(d) S.I. 1989/1327, to which there are amendments not relevant to these Regulations.
(e) S.I. 2003/2901, to which there are amendments not relevant to these Regulations.
(f) S.I. 2009/3214.

So far as the following Regulations are made in exercise of powers under the Food Safety Act 1990(a), the Secretary of State has had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A)(b) of that Act.

There has been consultation, as required by Article 9 of Regulation (EC) No 178/2002 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(c), during the preparation and evaluation of the following Regulations.

The Secretary of State makes the following Regulations in exercise of the powers conferred by—

- (a) so far as relating to regulation 2(3) and Schedule 1, paragraph 1A of Schedule 2 to the European Communities Act 1972(d);
- (b) so far as relating to regulations 13 and 14 and Schedules 6 and 7—
 - (i) section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972;
 - (ii) sections 6(4), 16(1), 17, 18, 26, 45 and 48(1) of, and paragraphs 1 and 4(b) of Schedule 1 to, the Food Safety Act 1990(e) and now vested in the Secretary of State(f); and
 - (iii) sections 114A(g) and 138(7) of the School Standards and Framework Act 1998(h); and
- (c) so far as relating to the remaining regulations and Schedules, sections 6(4), 16(1)(e), 17(1) and (2), 26(3) and 48(1) of the Food Safety Act 1990 and now vested in the Secretary of State.

Citation, extent, application, commencement and expiry

1.—(1) These Regulations may be cited as the Food Information Regulations 2014.

(2) A revocation, or partial revocation, of a statutory instrument by regulation 13 and Schedule 6 has the same extent and application as the statutory instrument, or provision or part of the instrument, being revoked except that, for the purpose of the revocations in entries 1 to 7 of the table in Part 1, and entries 1 to 3 of the table in Part 2, of Schedule 6, these Regulations apply in England only.

(3) An amendment of a provision of a statutory instrument by regulation 14 and Schedule 7 has the same extent and application as the provision being amended except that, for the purpose of the amendment of the Regulations to which paragraphs 1 to 5 and 10 to 20 of Schedule 7 apply, these Regulations apply in England only.

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- (a) 1990 c. 16.
 - (b) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999 (c. 28).
 - (c) OJ No L 31, 1.2.2002, p 1, last amended by Commission Regulation (EC) No 596/2009 (OJ No L 188, 18.7.2009, p 14).
 - (d) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and S.I. 2007/1388.
 - (e) Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40) and paragraph 10(1) and (3) of Schedule 5 to the Food Standards Act 1999 (“the 1999 Act”) and partially repealed by Schedule 6 to the 1999 Act and S.I. 2002/794. Section 16(1) was amended by paragraph 8 of Schedule 5 to the 1999 Act. Section 17 was amended by paragraphs 8 and 12 of Schedule 5 to the 1999 Act and S.I. 2011/1043. Section 18 was amended by paragraphs 8 and 13 of Schedule 5 to the 1999 Act. Section 26 was partially repealed by Schedule 6 to the 1999 Act. Section 45 was amended by paragraphs 8 and 20 of Schedule 5 to the 1999 Act. Section 48(1) was amended by paragraph 8 of Schedule 5 to the 1999 Act.
 - (f) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999.
 - (g) Section 114A was substituted for section 114, as originally enacted, by section 86(1) of the Education and Inspections Act 2006 (c. 40) and amended by section 8(1) of the Healthy Eating in Schools (Wales) Measure 2009 (2009 nawm 3) and S.I. 2010/1158.
 - (h) 1998 c. 31, to which there are other amendments not relevant to these Regulations. See section 142(1) for the meaning of “regulations”.

(4) For all other purposes, these Regulations apply in England only.

(5) Except as provided for in paragraphs (6) to (8), these Regulations come into force on 13th December 2014.

(6) For the purposes of the following provisions, these Regulations come into force on 15th August 2014—

- (a) regulation 4;
- (b) regulation 12 and Schedule 4 so far as (by applying, with some modifications, specified provisions of the Act) they enable an improvement notice to be served on a person requiring that person to comply with the provision of FIC specified in Part 1 of Schedule 5 and an appeal against such a notice to be made and dealt with, and make the failure to comply with such an improvement notice an offence;
- (c) regulation 14 so far as it relates to Part 1 of Schedule 7;
- (d) Schedule 2;
- (e) Part 1 of Schedule 5; and
- (f) Part 1 of Schedule 7.

(7) For the purposes of the following provisions, these Regulations come into force on 13th December 2016—

- (a) Part 3 of Schedule 5; and
- (b) regulation 12 and Schedule 4 so far as (by applying, with some modifications, specified provisions of the Act) they enable an improvement notice to be served on a person requiring that person to comply with the provision of FIC specified in Part 3 of Schedule 5 and an appeal against such a notice to be made and dealt with, and make the failure to comply with such an improvement notice an offence.

(8) For the purposes of Part 2 of Schedule 6, and regulation 13 so far as it relates to that Part of Schedule 6, these Regulations come into force on 13th December 2018.

(9) The following provisions cease to have effect on 13th December 2021—

- (a) regulations 5, 6 and 7; and
- (b) regulation 12 and Schedule 4 so far as (by applying, with some modifications, specified provisions of the Act) they enable an improvement notice to be served on a person requiring that person to comply with a provision of regulations 5, 6 and 7 and an appeal against such a notice to be made and dealt with, and make the failure to comply with such an improvement notice an offence.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“Directive 1999/2/EC” means 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^(a);

“FIC” means 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;

(a) OJ No L 66, 13.3.1999, p 16, last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council (OJ No L 311, 21.11.2008, p 1).

“final consumer” has the meaning given in point 18 of Article 3 of Regulation (EC) No 178/2002 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;

“food authority” means—

- (a) a county council;
- (b) a metropolitan district council;
- (c) a non-metropolitan district council for an area for which there is no county council;
- (d) a London borough council;
- (e) the Common Council of the City of London (in their capacity as a local authority); and
- (f) the Council of the Isles of Scilly;

“food business operator” has the meaning given in point 3 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council;

“mass caterer” has the meaning given in Article 2(2)(d) and “mass caterers” is to be construed accordingly;

“means of distance communication” has the meaning given in Article 2(2)(u);

“offered for sale” has the same meaning as in Article 44 and “offers for sale” is to be construed accordingly;

“prepacked food” has the meaning given in Article 2(2)(e);

“prepacked for direct sale” has the same meaning as in Article 2(2)(e);

“ready for consumption” has the same meaning as in Article 2(2)(d).

(2) Except as otherwise provided for—

- (a) any reference in these Regulations to an Article is a reference to an Article of FIC, and
- (b) any reference in these Regulations to an Annex is a reference to an Annex to FIC.

(3) Any reference to FIC, or a provision of FIC (including a reference to an Article of, or Annex to, FIC to which paragraph (2) applies), in a provision of these Regulations listed in Schedule 1 is a reference to that provision as amended from time to time.

Derogation relating to milk and milk products

3. The requirements laid down in Articles 9(1) and 10(1) do not apply to milk or milk products presented in a glass bottle where the glass bottle is intended for reuse.

Derogation relating to minced meat

4.—(1) The requirements laid down in point 1 of Part B of Annex VI do not prevent minced meat that does not comply with those requirements being placed on the market using a minced meat designation if the national mark in Part 1 of Schedule 2 appears on the labelling.

(2) Part 2 of Schedule 2 applies to the form of the national mark.

(3) In paragraph (1)—

“on the labelling” has the same meaning as in point 2 of Part B of Annex VI as read with the definition of “labelling” in Article 2(2)(j);

“placed on the market” is to be construed taking into account the meaning of “placing on their national market” as used in point 3 of Part B of Annex VI.

Foods that are not prepacked etc. containing an allergenic substance or product etc.

5.—(1) A food business operator who offers for sale a relevant food to which this regulation applies may make available the particulars specified in Article 9(1)(c) (labelling of certain

substances or products causing allergies or intolerances) in relation to that food by any means the operator chooses, including, subject to paragraph (3), orally.

(2) This regulation applies to a relevant food that is offered for sale to a final consumer or to a mass caterer otherwise than by means of distance communication and is—

- (a) not prepacked,
- (b) packed on the sales premises at the consumer's request, or
- (c) prepacked for direct sale.

(3) Where a food business operator intends to make available the particulars specified in Article 9(1)(c) relating to a relevant food orally, and a substance or product listed in Annex II or derived from a substance or product listed in Annex II is used as an ingredient or processing aid in the manufacture or preparation of the food, the operator must indicate that details of that substance or product can be obtained by asking a member of staff.

(4) The indication mentioned in paragraph (3) must be given—

- (a) on a label attached to the food, or
- (b) on a notice, menu, ticket or label that is readily discernible by an intending purchaser at the place where the intending purchaser chooses that food.

(5) In relation to a relevant food to which this regulation applies, the Article 9(1)(c) particulars made available by a food business operator must be made available with a clear reference to the name of the substance or product listed in Annex II where—

- (a) the relevant ingredient or processing aid is derived from a substance or product listed in Annex II, and
- (b) the particulars are made available otherwise than by means provided for in FIC.

(6) In this regulation “relevant food” means a food in which an ingredient or processing aid listed in Annex II, or derived from a substance or product listed in Annex II, has been used in its manufacture or preparation and that is still present in the finished product (even if in an altered form).

Foods that are not prepacked etc. – general requirement to name them

6.—(1) A food business operator who offers for sale a food to which this regulation applies must provide the particulars required by Article 9(1)(a) (the name of the food) as read with—

- (a) Article 17(1) to (4), and
- (b) in the case of food offered for sale using a minced meat designation as a name—
 - (i) Article 17(5) and point 1 of Part B of Annex VI, and
 - (ii) point 3 of Part B of Annex VI as read with regulation 4 and Schedule 2.

(2) This regulation applies to a food that is offered for sale to a final consumer or a mass caterer and is—

- (a) not prepacked,
- (b) packed on the sales premises at the consumer's request, or
- (c) prepacked for direct sale.

(3) This regulation does not apply to a food prepared to be ready for consumption by a final consumer that is offered for sale to a final consumer by a mass caterer (whether at a mass catering establishment where sales are made in person to a final consumer or by means of distance communication) as part of their business as a mass caterer.

(4) The particulars must appear—

- (a) on a label attached to the food, or
- (b) on a notice, ticket or label that is readily discernible by an intending purchaser at the place where the intending purchaser chooses that food.

(5) Paragraph (4) does not apply in the case of an offer for sale made by means of distance communication.

Foods that are not prepacked etc. containing meat and other ingredients

7.—(1) A food business operator who offers for sale a food to which this regulation applies must provide the particulars required by Article 9(1)(d) (quantity of certain ingredients), as read with Article 22 and Annex VIII, in respect of the ingredients in the food that are meat.

(2) This regulation applies to a food (other than a food specified in Schedule 3) that is offered for sale to a final consumer or a mass caterer, contains meat and any other ingredient and is—

- (a) not prepacked,
- (b) packed on the sales premises at the consumer's request, or
- (c) prepacked for direct sale.

(3) This regulation does not apply to a food prepared to be ready for consumption by a final consumer that is offered for sale to a final consumer by a mass caterer (whether at a mass catering establishment where sales are made in person to a final consumer or by means of distance communication) as part of their business as a mass caterer.

(4) The quantity of meat specified in the particulars mentioned in paragraph (1) is to be determined taking into account the provisions relating to total fat and connective tissue content in point 17 of Part B of Annex VII, including any downward adjustment needed in a case where the total fat and connective tissue content in the food exceeds the values indicated in the table in that point.

(5) The particulars must appear—

- (a) on a label attached to the food, or
- (b) on a notice, ticket or label that is readily discernible by an intending purchaser at the place where the intending purchaser chooses that food.

(6) Paragraph (5) does not apply in the case of an offer for sale made by means of distance communication.

(7) In this regulation—

“meat” means the skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue but does not include mechanically separated meat;

“mechanically separated meat” has the meaning given in point 1.14 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin^(a).

Irradiated foods

8.—(1) Any person who places on the market, in bulk, a product to which this paragraph applies must ensure that the relevant indication appears, together with the name of the product, on a display or notice above or beside the container in which the products are placed on the market.

(2) Paragraph (1) applies to—

- (a) a product intended for the ultimate consumer or mass caterers that has been treated with ionising radiation, and
- (b) a product intended for the ultimate consumer or mass caterers that contains an ingredient that has been treated with ionising radiation.

(3) Any person who places on the market a product to which this paragraph applies must ensure that the relevant indication appears in the list of ingredients of that product to indicate the ingredient that has been irradiated.

(a) OJ No L 139, 30.4.2004, p 55, last amended by Commission Regulation (EU) No 633/2014 (OJ No L 175, 16.6.2014, p 6).

- (4) Paragraph (3) applies to a product intended for the ultimate consumer or mass caterers—
- (a) containing a compound ingredient in a case where an ingredient of that compound ingredient has been treated with ionising radiation, and
 - (b) to which, in relation to that compound ingredient, the provisions of point 2 of Part E of Annex VII (setting out cases where a list of ingredients for compound ingredients is not compulsory) would, but for the requirement in paragraph (3), apply.
- (5) The relevant indication is the word “irradiated” or the words “treated with ionising radiation”.
- (6) This regulation does not apply to—
- (a) a product exposed to ionising radiation generated by measuring or inspection devices, provided the dose absorbed is not greater than 0.01 Gy for inspection devices which utilise neutrons and 0.5 Gy in other cases, at a maximum radiation energy level of 10 MeV in the case of X-rays, 14 MeV in the case of neutrons and 5 MeV in other cases, or
 - (b) a product which is prepared for patients requiring sterile diets under medical supervision.
- (7) In this regulation—
- “in bulk” has the same meaning as in the second subparagraph of Article 6(1)(a) of Directive 1999/2/EC;
 - “ionising radiation” has the same meaning as in Directive 1999/2/EC;
 - “places on the market” is to be construed taking into account the meaning of “placed on the market” as used in Article 2 of Directive 1999/2/EC;
 - “product” has the same meaning as in Directive 1999/2/EC.

Enforcement

- 9.**—(1) It is the duty of a food authority within its area and a port health authority within its district to enforce these Regulations.
- (2) A non-metropolitan district council for an area for which there is a county council may enforce these Regulations within its area in relation to—
- (a) Article 44(1)(a), as read with Articles 1(3), 6 and 9(1)(c) and the first subparagraph of Article 54(1) and regulation 5, and
 - (b) regulation 5(3), (4) and (5).

Offence

- 10.**—(1) A person is guilty of an offence if the person fails to comply with—
- (a) any provision of FIC specified in paragraph (2), as read with Articles 1(3) and 6 and the first subparagraph of Article 54(1), or
 - (b) regulation 5(5).
- (2) The provisions of FIC are—
- (a) Article 9(1)(c), as also read with Annex II;
 - (b) Article 21(1)(a), as also read with Articles 9(1)(c) and 18(1) and Annex II;
 - (c) the second subparagraph of Article 21(1), as also read with Articles 9(1)(c) and 19(1) and Annex II; and
 - (d) Article 44(1)(a), as also read with Article 9(1)(c) and regulation 5.

Penalty

- 11.** A person guilty of an offence under regulation 10 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Application of provisions of the Act

12.—(1) Subsections (1) and (2) of section 10 of the Act (improvement notices) apply, with the modification (in the case of section 10(1)) specified in Part 1 of Schedule 4, for the purposes of—

- (a) enabling an improvement notice to be served on a person requiring the person to comply with any of the following provisions—
 - (i) a provision of FIC specified in Schedule 5, to the extent provided for in section 10 as applied by paragraph (1) and modified by Part 1 of Schedule 4;
 - (ii) regulation 5(3), (4) or (5);
 - (iii) regulation 6(1) or (4);
 - (iv) regulation 7(1), (4) or (5); or
 - (v) regulation 8(1) or (3); and
- (b) making the failure to comply with a notice referred to in subparagraph (a) an offence.

(2) Subsections (1) to (8) of section 32(a) of the Act (powers of entry) apply, with the modifications (in the case of section 32(1)) specified in Part 2 of Schedule 4, for the purposes of enabling an authorised officer of a food authority or a port health authority—

- (a) to exercise a power of entry to ascertain whether there is, or has been, any contravention of a provision of FIC specified in Schedule 5, to the extent provided for in section 32(1)(a) as applied by this paragraph and modified by Part 2 of Schedule 4;
- (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of such a provision; and
- (c) when exercising a power of entry under the provisions of section 32 as applied by this paragraph, to exercise the powers in subsections (5) and (6) relating to records.

(3) Subsections (1) and (6) of section 37 of the Act (appeals) apply, with the modifications specified in Part 3 of Schedule 4, for the purpose of enabling a decision to serve a notice referred to in paragraph (1)(a) to be appealed.

(4) Section 39 of the Act (appeals against improvement notices) applies, with the modifications (in the case of subsections (1) and (3) of section 39) specified in Part 4 of Schedule 4, for the purpose of dealing with appeals against a decision to serve a notice referred to in paragraph (1)(a).

(5) The provisions of the Act specified in column 1 of the table in Part 5 of Schedule 4 apply, with the modifications specified in column 2 of that Part, for the purposes of these Regulations.

(6) Paragraphs (1) to (4) are without prejudice to the application of sections 10, 32, 37 and 39 of the Act to these Regulations for purposes other than those specified in those paragraphs.

Revocations

13. The Regulations listed in Schedule 6 are revoked to the extent specified.

Consequential and other minor amendments to statutory instruments

14. Schedule 7 has effect.

Review

15.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(a) Subsections (5) and (6) of section 32 were amended by paragraph 18 of Schedule 2 to the Criminal Justice and Police Act 2001 (c. 16).

(2) In carrying out a review mentioned in paragraph (1) the Secretary of State must, so far as is reasonable, have regard to—

- (a) the powers and mechanisms available in other member States to enable the provisions of FIC to be enforced, and
- (b) how the second subparagraph of point 1(a), the second subparagraph of point 1(b), and point 1(c) of Article 6 of Directive 1999/2/EC (which are implemented by means of regulation 8 and regulation 12 and Schedule 4 so far as (by applying, with some modifications, specified provisions of the Act) they enable an improvement notice to be served on a person requiring that person to comply with regulation 8(1) and (3) and an appeal against such a notice to be made and dealt with, and make the failure to comply with such an improvement notice an offence) are implemented in other member States.

(3) The report must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before 13th December 2019.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

14th July 2014

George Eustice
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

SCHEDULE 1

Regulation 2(3)

Provisions of these Regulations that contain ambulatory references to FIC by virtue of regulation 2(3)

Regulation 2(1) except for the definition of “FIC”

Regulation 3

Regulation 4(1) and (3)

Regulation 5(1), (3), (5) and (6)

Regulation 6(1)

Regulation 7(1) and (4)

Regulation 8(4)(b)

Regulation 9(2)(a)

Regulation 10

Regulation 15(2)(a)

Paragraph 3 of Part 2 of Schedule 2

SCHEDULE 2

Regulation 4

National mark for derogation relating to minced meat

PART 1

The national mark

■ For UK market only

PART 2

Specifications for the national mark

1. Any type of font may be used for the national mark so long as it is clearly legible.
2. Any colour font may be used for the national mark so long as it is easily visible.
3. In the case of prepacked food, the font size used for the national mark must not be smaller than—
 - (a) in the case of a package or container of a size to which Article 13(3) applies, the font size required for mandatory particulars under Article 13(3), and
 - (b) in the case of any other package or container, the font size required for mandatory particulars under Article 13(2).

SCHEDULE 3

Regulation 7

Foods to which regulation 7 does not apply

1. Raw meat to which no ingredient other than proteolytic enzymes has been added.
2. Frozen and quick-frozen chicken to which Article 15 of Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat^(a) applies and the water content of which does not exceed the technically unavoidable values determined as provided for in that Article.
3. Fresh, frozen and quick-frozen poultry-cuts to which Article 20 of Commission Regulation (EC) No 543/2008 applies and the water content of which does not exceed the technically unavoidable values determined as provided for in that Article.
4. Sandwiches, filled rolls and filled products of a similar nature to sandwiches and filled rolls, which are ready for consumption without further processing, except for products containing meat which are sold under the name (whether or not qualified by other words) “burger”, “economy burger” or “hamburger”.
5. Pizzas and similar topped products.

(a) OJ No L 157, 17.6.2008, p 46, last amended by Regulation (EU) No 1308/2013 of the European Parliament and of the Council (OJ No L 347, 20.12.2013, p 671).

6. Any food for which the name is “broth”, “gravy” or “soup”, whether or not qualified by other words.

7. A food consisting of an assemblage of two or more ingredients that has not been subjected to any processing or treatment once it has been assembled, and which is sold to the final consumer as an individual portion intended to be consumed without further processing or treatment.

SCHEDULE 4

Regulation 12

Application and modification of provisions of the Act

PART 1

Modification of section 10(1)

1. For section 10(1) (improvement notices) substitute—

“(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with a provision specified in subsection (1A), the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) state the officer’s grounds for believing that the person is failing to comply with the relevant provision;
- (b) specify the matters which constitute the person’s failure so to comply;
- (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or measures that are at least equivalent to them, within such period as may be specified in the notice.

(1A) The provisions are—

- (a) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers^(a) specified in entry 1, 3, 5 to 11, 23 to 27, 29, 31 or 66 of the table in Part 2 of Schedule 5 to the Food Information Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to the mandatory particular relating to net quantity required by Article 9(1)(e) of Regulation (EU) No 1169/2011, as read with Article 23 of, and Annex IX to, that Regulation;
- (b) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in entry 2, 67 or 68 of the table in Part 2 of Schedule 5 to the Food Information Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to food information relating to quantity;
- (c) any other provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in Schedule 5 to the Food Information Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations); or
- (d) any of the following provisions of the Food Information Regulations 2014—
 - (i) regulation 5(3), (4) or (5);
 - (ii) regulation 6(1) or (4);
 - (iii) regulation 7(1), (4) or (5); or

(a) OJ No L 304, 22.11.2011, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p 7).

(iv) regulation 8(1) or (3).”.

PART 2

Modification of section 32(1)

2. For paragraphs (a) to (c) of section 32(1) (powers of entry) substitute—

- “(a) to enter any premises within the authority’s area for the purpose of ascertaining whether there is or has been on the premises any contravention of—
- (i) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers specified in entry 1, 3, 5 to 11, 23 to 27, 29, 31 or 66 of the table in Part 2 of Schedule 5 to the Food Information Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to the mandatory particular relating to net quantity required by Article 9(1)(e) of Regulation (EU) No 1169/2011, as read with Article 23 of, and Annex IX to, that Regulation;
 - (ii) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in entry 2, 67 or 68 of the table in Part 2 of Schedule 5 to the Food Information Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to food information relating to quantity; and
 - (iii) any other provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in Schedule 5 to the Food Information Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations); and
- (b) to enter any business premises, whether within or outside of the authority’s area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention within that area of any such provisions;”.

PART 3

Modification of section 37(1) and (6)

3. For section 37(1) (appeals) substitute—

“(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 12(1) of, and Part 1 of Schedule 4 to, the Food Information Regulations 2014, may appeal to the First-tier Tribunal.”.

4. In section 37(6)—

- (a) for “(3) or (4)” substitute “(1)”, and
- (b) in paragraph (a), for “a magistrates’ court or to the sheriff” substitute “the First-tier Tribunal”.

PART 4

Modification of section 39(1) and (3)

5. For section 39(1) (appeals against improvement notices) substitute—

“(1) On an appeal against an improvement notice served under section 10(1), as applied and modified by regulation 12(1) of, and Part 1 of Schedule 4 to, the Food Information Regulations 2014, the First-tier Tribunal may either cancel or affirm the notice and, if it

affirms it, may do so either in its original form or with such modifications as the First-tier Tribunal may in the circumstances think fit.”.

6. In section 39(3), omit “for want of prosecution”.

PART 5

Application and modification of other provisions of the Act

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Modifications</i>
Section 3 (presumptions that food intended for human consumption)	In subsection (1), for “this Act” substitute “the Food Information Regulations 2014”
Section 20 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 12(1) of the Food Information Regulations 2014, or regulation 10 of those Regulations”
Section 21(a) (defence of due diligence)	In subsection (1), for “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 12(1) of the Food Information Regulations 2014, or regulation 10 of those Regulations”. In subsection (2), for “section 14 or 15 above” substitute “regulation 10 of the Food Information Regulations 2014”
Section 22 (defence of publication in the course of business)	For “any of the preceding provisions of this Part” substitute “regulation 10 of the Food Information Regulations 2014”
Section 29 (procurement of samples)	In paragraph (b)(ii), after “under section 32 below”, insert “, including under section 32 as applied and modified by regulation 12(2) of, and Part 2 of Schedule 4 to, the Food Information Regulations 2014”
Section 30(8) (which relates to evidence of certificates given by a food analyst or examiner)	For “this Act” substitute “the Food Information Regulations 2014”
Section 33 (obstruction etc. of officers)	In subsection (1), for “this Act” (in each place occurring) substitute “the Food Information Regulations 2014”
Section 35(1)(b) and (2) (punishment of offences)	In subsection (1), after “section 33(1) above”, insert “, as applied and modified by regulation 12(5) of, and Part 5 of Schedule 4 to, the Food Information Regulations 2014,” After subsection (1), insert—

(a) Section 21(2) was amended by S.I. 2004/3279.

(b) Section 35(1) is amended by paragraph 42 of Schedule 26 to the Criminal Justice Act 2003 (c. 44) from a date to be appointed.

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Modifications</i>
	“(1A) A person guilty of an offence under section 10(2), as applied by regulation 12(1) of the Food Information Regulations 2014, shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”
	In subsection (2)—
	(a) for “any other offence under this Act” substitute “an offence under section 33(2), as applied by regulation 12(5) of, and Part 5 of Schedule 4 to, the Food Information Regulations 2014,”; and
	(b) in paragraph (b), for “relevant amount” substitute “statutory maximum”
Section 36 (offences by body corporate)	In subsection (1), for “this Act” substitute “section 10(2), as applied by regulation 12(1) of the Food Information Regulations 2014, or regulation 10 of those Regulations,”
Section 36A(a) (offences by Scottish partnerships)	For “this Act” substitute “section 10(2), as applied by regulation 12(1) of the Food Information Regulations 2014, or regulation 10 of those Regulations,”
Section 44 (protection of officers acting in good faith)	For “this Act” (in each place occurring) substitute “the Food Information Regulations 2014”

SCHEDULE 5

Regulation 12

Improvement notices - specified FIC provisions

PART 1

FIC provision in relation to which an improvement notice may be served on and from
15th August 2014

<i>Provision of FIC</i>	<i>Provisions to be read with the provision of FIC</i>
Article 17(5) so far as it applies to the requirements	Articles 1(3) and 6 and the third

(a) Section 36A was inserted by paragraph 16 of Schedule 5 to the Food Standards Act 1999 (c. 28).

in Part B of Annex VI concerning the designation “minced meat” (requirements concerning the designation “minced meat” and the particulars that must accompany it)

subparagraph of Article 54(1), the second subparagraph of Article 55, Part B of Annex VI, regulation 4 and Schedule 2

PART 2

FIC provisions in relation to which an improvement notice may be served on and from 13th December 2014

<i>No.</i>	<i>Provision of FIC</i>	<i>Provisions to be read with the provisions of FIC</i>
1.	Article 6 (basic requirement for food information to accompany food)	Articles 1(3) and 30(2) and (3), the first subparagraph of Article 54(1) and the other Articles of FIC listed in column 1, as appropriate
2.	Article 7(1) (prohibition on misleading information)	Articles 1(3), 6 and 7(4) and the first subparagraph of Article 54(1)
3.	Article 7(2) (requirement for accurate, clear and easy to understand information)	Articles 1(3), 6 and 7(4) and the first subparagraph of Article 54(1)
4.	Article 7(3) (prohibition on food information attributing health benefits to any food subject to certain derogations)	Articles 1(3), 6 and 7(4) and the first subparagraph of Article 54(1)
5.	Article 8(2) (requirement for a food business operator to ensure the presence and accuracy of food information)	Articles 1(3), 6 and 8(1) and the first subparagraph of Article 54(1)
6.	Article 8(3) (requirement for a food business operator not to supply non-compliant food)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
7.	Article 8(4) (restrictions on the modification of information accompanying a food)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
8.	Article 8(5) (obligation to ensure and verify compliance with food information law etc.)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
9.	Article 8(6) (requirement to transmit information relating to non-prepacked foods)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
10.	Article 8(7) (requirement relating to the mandatory particulars required by Articles 9 and 10)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
11.	Article 8(8) (requirement for a food business operator to provide sufficient information to other food business operators)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
12.	Article 9(1)(a) (mandatory indication relating to the name of the food)	Articles 1(3), 6, 9(2), 16(1) and (2), 17, 22(1)(a) and 40, the first subparagraph of Article 54(1), Annex VI and regulation 3
13.	Article 9(1)(b) (mandatory indication relating to the list of ingredients)	Articles 1(3), 6, 9(2), 11 and 16(1) and (2), the first subparagraph of Article 16(4), Articles 18, 19(1), 20 and 40, the first subparagraph of Article 54(1), Annexes VI and VII and regulation 3
14.	Article 9(1)(c) (mandatory indication relating to ingredients and processing aids causing allergies or intolerances)	Articles 1(3), 6, 9(2), 11, 16(1) and (2), 18(1), 21(1) and 40, the first subparagraph of Article 54(1), Annex II and regulation 3
15.	Article 9(1)(d) (mandatory indication relating to the quantity of certain ingredients or categories of ingredients)	Articles 1(3), 6, 9(2), 11, 16(1) and (2), 22 and 40, the first subparagraph of Article 54(1), Annex VIII and regulation

<i>No.</i>	<i>Provision of FIC</i>	<i>Provisions to be read with the provisions of FIC</i>
		3
16.	Article 9(1)(f) (mandatory indication relating to date of minimum durability or the “use by” date)	Articles 1(3), 6, 9(2), 16(1) and (2), 24 and 40, the first subparagraph of Article 54(1), points 1 and 2 of Annex X and regulation 3
17.	Article 9(1)(g) (mandatory indication relating to any special storage conditions, the conditions of use, or both)	Articles 1(3), 6, 9(2), 16(1) and (2), 25 and 40, the first subparagraph of Article 54(1) and regulation 3
18.	Article 9(1)(h) (mandatory indication relating to the name or business name and address of the food business operator)	Articles 1(3), 6, 8(1), 9(2), 16(1) and (2) and 40, the first subparagraph of Article 54(1) and regulation 3
19.	Article 9(1)(i) (mandatory indication relating to country of origin or place of provenance)	Articles 1(3), 6, 9(2), 16(1) and (2), 26(1) and (2) and 40, the first subparagraph of Article 54(1) and regulation 3
20.	Article 9(1)(j) (mandatory indication relating to instructions for use)	Articles 1(3), 6, 9(2), 16(1) and (2), 27 and 40, the first subparagraph of Article 54(1) and regulation 3
21.	Article 9(1)(k) (mandatory indication relating to the actual alcoholic strength of beverages containing more than 1.2% by volume of alcohol)	Articles 1(3), 6, 9(2), 11, 16(1) and (2) and 28, the first subparagraph of Article 54(1) and Annex XII
22.	Article 10(1) (additional mandatory particulars for specific types of food)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex III
23.	Article 12(1) (availability and placement of mandatory food information)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Article 12(2) for pre-packed foods, Articles 12(5) and 44 for non-prepacked foods and Articles 14 and 44 for foods offered for sale by means of distance communication
24.	Article 12(2) (general requirement for mandatory food information to appear directly on the package or on a label attached to prepacked food)	Articles 1(3), 6 and 12(1) and the first subparagraph of Article 54(1)
25.	Article 13(1) (general requirement for the presentation of mandatory particulars)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and, in the case of foods that are not prepacked etc. containing an allergenic substance or product etc., regulation 5
26.	Article 13(2) (requirement relating to the presentation of mandatory particulars referred to in Article 9(1)(a) to (l))	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex IV, and, in relation to Article 13(2) as it applies to the presentation of a mandatory nutrition declaration, the second subparagraph of Article 55
27.	Article 13(3) (font size of mandatory particulars on smaller packages)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
28.	Article 13(5) (field of vision requirements)	Articles 1(3), 6, 13(6) and 16(1) and (2) and the first subparagraph of Article 54(1)
29.	Article 14(1) (distance selling of prepacked foods)	Articles 1(3), 6, 9 and 14(3) and the first subparagraph of Article 54(1)

<i>No.</i>	<i>Provision of FIC</i>	<i>Provisions to be read with the provisions of FIC</i>
30.	Article 14(2) (distance selling of non-prepacked foods)	Articles 1(3), 6, 14(1) and 42 and the first subparagraph of Article 54(1)
31.	Article 15(1) (language requirements)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
32.	Article 17(1) (name of food)	Articles 1(3), 6 and 9(1), the first subparagraph of Article 54(1), regulation 4 and Schedule 2
33.	Article 17(2) (use of the name used for food in member State of production in another member State: need for other descriptive information in addition to the name of the food in certain cases)	Articles 1(3), 6, 9(1) and 17(1) and the first subparagraph of Article 54(1)
34.	Article 17(3) (prohibition in certain exceptional cases of the use of a name used for a food in a member State of production when marketing that food in another member State)	Articles 1(3), 6, 9(1) and 17(1) and (2) and the first subparagraph of Article 54(1)
35.	Article 17(4) (prohibition against replacing the name of a food with another name)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
36.	Article 17(5) (requirements on the name of a food and particulars that must accompany it) except so far as it applies to the specific requirements in Part B of Annex VI concerning the designation “minced meat”	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex VI
37.	Article 18(1) (list of ingredient requirements)	Articles 1(3), 6, 18(4), 19(1) and 20, the first subparagraph of Article 54(1), Annex VII, regulation 8 and the first subparagraph of paragraph 5 of Article 3 of Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption ^(a)
38.	Article 18(2) (requirement to designate ingredients by their specific name)	Articles 1(3), 6, 17, 18(4) and 19(1), the first subparagraph of Article 54(1) and Annexes VI and VII
39.	Article 18(3) (requirement relating to nanomaterial ingredients)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
40.	Article 21(1) (requirements relating to certain substances or products that cause an allergy or intolerance)	Articles 1(3), 6, 9(1)(c) and 18(1), the first subparagraph of Article 54(1), Annex II and, in the case of foods that are not prepacked etc. containing an allergenic substance or product etc., regulation 5
41.	Article 22(1) (requirement relating to the need to provide a quantitative indication of an ingredient)	Articles 1(3), 6 and 22(2), the first subparagraph of Article 54(1) and Annex VIII
42.	Article 22(2) (technical rules for quantitative indication of ingredients)	Articles 1(3), 6 and 22(1), the first subparagraph of Article 54(1) and Annex VIII
43.	Article 24(1), first sentence (requirement relating to “use by” dates)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
44.	Article 24(2) (requirement to express minimum	Articles 1(3) and 6, the first

(a) OJ No L 10, 12.1.2002, p 58, last amended by Directive 2012/12/EU of the European Parliament and of the Council (OJ No L 115, 27.4.2012, p 1).

<i>No. Provision of FIC</i>	<i>Provisions to be read with the provisions of FIC</i>
	durability date, “use by” date and date of freezing in a particular way) subparagraph of Article 54(1) and Annex X
45. Article 25(1) (requirement for special storage conditions or conditions for use, or both, to be indicated on food)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
46. Article 25(2) (requirement to indicate appropriate storage conditions or time within which food should be consumed after the packaging containing the food is opened or both)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
47. Article 26(2)(a) (requirement for a mandatory indication relating to country of origin or place of provenance in certain cases)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex XI
48. Article 27(1) (instructions for use indication)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
49. Article 28(2) (alcoholic strength by volume indication for beverages containing more than 1.2% volume of alcohol)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex XII
50. Article 30(1) (content of mandatory nutrition declaration)	Articles 1(3), 6, 29, 31(1) (as read with Annex XIV) and 31(3), the first subparagraph of Article 31(4), Articles 32(1) (as read with Annex XV), 32(2), 33(1) and 35(1) and the first subparagraph of Article 54(1)
51. Article 31(1) (conversion factors to be used for calculation of energy value)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex XIV
52. Article 31(3), first subparagraph (requirement for energy value and amounts of nutrients to be those of the foods as sold except as provided for in the second subparagraph of Article 31(3))	Articles 1(3), 6 and 30(1) to (5) and the first subparagraph of Article 54(1)
53. Article 31(4), first subparagraph (requirement for declared values to be average values based on a methodology set out in the first subparagraph of Article 31(4))	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
54. Article 32(1) (requirement to use the measurement units listed in Annex XV for energy value and amount of nutrients)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex XV
55. Article 32(2) (energy value and amount of nutrients to be expressed per 100 grams or per 100 millilitres)	Articles 1(3), 6, 33(1), (2) and (3), the first subparagraph of Article 54(1) and Part B of Annex XIII
56. Article 32(3) (declaration relating to vitamins and minerals also to be expressed as a percentage of reference intakes)	Articles 1(3), 6 and 30(2)(f), the first subparagraph of Article 54(1) and Part A of Annex XIII
57. Article 32(5) (requirement for additional statement relating to the reference intake of an average adult)	Articles 1(3), 6 and 32(4) (as read with Part B of Annex XIII) and the first subparagraph of Article 54(1)
58. Article 33(1) (requirements in cases where energy value and amount of nutrients may be expressed per portion, per consumption unit, or both per portion and per consumption unit, in addition to, or instead of, per 100 grams or per 100 millilitres)	Articles 1(3), 6 and 32(2), (3) and (4) and the first subparagraph of Article 54(1)
59. Article 33(2), second subparagraph (requirement	Articles 1(3), 6, 30(3)(b) and 32(2), the

<i>No.</i>	<i>Provision of FIC</i>	<i>Provisions to be read with the provisions of FIC</i>
	for energy value to be expressed both per 100 grams or per 100 millilitres and per portion or consumption unit where information on energy, fat, saturates, sugars and salt is repeated voluntarily in the principal field of vision, and the amounts of the nutrients are expressed on a per portion or per consumption unit basis only)	first subparagraph of Article 33(2) and the first subparagraph of Article 54(1)
60.	Article 33(4) (requirement for the portion or unit used to be in close proximity to the nutrition declaration)	Articles 1(3), 6 and 33(1) and the first subparagraph of Article 54(1)
61.	Article 34(1) (presentation of mandatory nutrition declaration and any supplementary information provided in accordance with Article 30(2) – field of vision, format and order of presentation)	Articles 1(3), 6 and 30(1) and (2), the first subparagraph of Article 54(1) and Annex XV
62.	Article 34(2) (presentation of mandatory nutrition declaration and any supplementary information provided in accordance with Article 30(2) – format and alignment of numbers)	Articles 1(3), 6, and 30(1) and (2), the second subparagraph of Article 34(3), Article 34(4) and the first subparagraph of Article 54(1)
63.	Article 34(3), first subparagraph (presentation of nutrition information in a case where certain mandatory nutrition information is repeated (on a voluntary basis) in accordance with Article 30(3))	Articles 1(3), 6 and 30(3), the second subparagraph of Article 34(3) and the first subparagraph of Article 54(1)
64.	Article 34(5), first subparagraph (requirement for indication of negligible energy value or amount of nutrients, where used, to be in close proximity to the nutrition declaration, when present)	Articles 1(3), 6 and 30(1) to (5) and the first subparagraph of Article 54(1)
65.	Article 35(1) (requirements where additional forms of expression and presentation relating to energy value and the amount of nutrients are used)	Articles 1(3), 6, 7, 30(1) to (5), 32(2) and (4), 33 and 34(2), the first subparagraph of Article 54(1) and Annex VIII
66.	Article 36(1) (requirements that voluntary information must comply with)	Articles 1(3) and 6, sections 2 and 3 of Chapter IV and the first subparagraph of Article 54(1)
67.	Article 36(2) (additional requirements that voluntary information must comply with)	Articles 1(3), 6 and 7 and the first subparagraph of Article 54(1)
68.	Article 37 (presentation of voluntary food information – space availability)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
69.	Article 44(1)(a) (provision of allergen information for non-packaged food)	Articles 1(3), 6 and 9(1)(c), the first subparagraph of Article 54(1) and regulation 5
70.	Article 54(2) (requirement to comply with provisions relating to content, calculation, expression and presentation when nutrition information is provided on a voluntary basis during the period on and from 13th December 2014 to and including 12th December 2016)	Articles 1(3), 6 and 29 to 35

PART 3

FIC provision in relation to which an improvement notice may be served on and from
13th December 2016

<i>Provision of FIC</i>	<i>Provisions to be read with the provision of FIC</i>
Article 9(1)(l) (mandatory nutrition declaration)	Articles 1(3), 6, 9(2), 11 and 16, section 3 of Chapter IV, Article 40, the second subparagraph of Article 54(1), the second subparagraph of Article 55, Annex V and regulation 3

SCHEDULE 6

Regulation 13

Revocations

PART 1

Revocations coming into force on 13th December 2014

<i>No.</i>	<i>Statutory Instruments revoked</i>	<i>References</i>	<i>Extent of revocation</i>
1.	The Food Labelling Regulations 1996	S.I. 1996/1499(a)	The whole Regulations except for— (a) regulation 43; (b) in Schedule 8— (i) the entries in Part I relating to the descriptions “alcohol-free”, “dealcoholised”, “low alcohol” (and any other word or description which implies that the drink being described is low in alcohol) and “non-alcoholic”; (ii) Part II; and (iii) Part III; and (c) the remainder of the Regulations for the purposes of the provisions specified in subparagraphs (a) and (b), including— (i) in regulation 2(1), the definitions of “the Act”, “advertisement”, “cheese”, “clotted cream”, “cream”, “ingredient”, “labelling”, “milk”, “sell”, “semi-

(a) Relevant amending instruments are S.I. 1998/141, 1398, 1999/747, 1136, 1483, 1603, 2000/768, 2254, 3323, 2003/461, 474, 1563, 1596, 1659, 2075, 2243, 2647, 3120, 2004/1512, 2824, 2005/899, 2626, 2006/14, 2007/2080, 2008/1188, 1317, 2009/2538, 3235, 2010/295, 2817, 2011/402, 1043, 2936, 2012/1809, 2619, 2013/466, 2210, 2775, 3235. S.I. 1996/1499 is amended on 15th August 2014 by paragraphs 1 to 3 of Schedule 7 to these Regulations.

<i>No.</i>	<i>Statutory Instruments revoked</i>	<i>References</i>	<i>Extent of revocation</i>
			skimmed milk”, “skimmed milk” and “wine”;
			(ii) regulation 3(1) and (3);
			(iii) regulation 42;
			(iv) regulation 44(1)(b);
			(v) regulation 45;
			(vi) regulation 48; and
			(vii) regulation 50(1)
2.	The Bread and Flour Regulations 1998	S.I. 1998/141(a)	Regulations 5(3) and 11
3.	The Food Labelling (Amendment) Regulations 1998	S.I. 1998/1398(b)	The whole Regulations except for regulations 2 and 11
4.	The Food Labelling (Amendment) Regulations 1999	S.I. 1999/747(c)	The whole Regulations except for regulations 2 and 11
5.	The Miscellaneous Food Additives (Amendment) Regulations 1999	S.I. 1999/1136(d)	In regulation 14(1), the words “the Food Labelling Regulations 1996” and the whole of regulation 14(3)
6.	The Food Labelling (Amendment) (No. 2) Regulations 1999	S.I. 1999/1483	The whole Regulations
7.	The Contaminants in Food (Amendment) Regulations 1999	S.I. 1999/1603(e)	The whole Regulations
8.	The Food Irradiation Provisions (England) Regulations 2000	S.I. 2000/2254(f)	The whole Regulations
9.	The Coffee Extracts and Chicory Extracts (England) Regulations 2000	S.I. 2000/3323(g)	Regulations 6 and 11(1) and (2)(g)
10.	The Colours in Food (Amendment) (England) Regulations 2001	S.I. 2001/3442	The whole Regulations
11.	The Food Labelling (Amendment) (England) Regulations 2003	S.I. 2003/474	The whole Regulations
12.	The Specified Sugar Products (England) Regulations 2003	S.I. 2003/1563(h)	Regulations 6 and 10(2)

(a) There are amendments to S.I. 1998/141 not relevant to this revocation.

(b) There are amendments to S.I. 1998/1398 not relevant to this revocation.

(c) There are amendments to S.I. 1999/747 not relevant to this revocation.

(d) S.I. 1999/1136 was amended by S.I. 2001/60; there are other amending instruments to S.I. 1999/1136 but none is relevant.

(e) There are amendments to S.I. 1999/1603 not relevant to these Regulations.

(f) S.I. 2000/2254 was amended by S.I. 2009/1584.

(g) There are amendments to S.I. 2000/3323 not relevant to this revocation.

(h) There are amendments to S.I. 2003/1563 not relevant to these Regulations.

<i>No.</i>	<i>Statutory Instruments revoked</i>	<i>References</i>	<i>Extent of revocation</i>
13.	The Cocoa and Chocolate Products (England) Regulations 2003	S.I. 2003/1659(a)	Regulations 7(1) and 11(1) and (2)(g)
14.	The Honey (England) Regulations 2003	S.I. 2003/2243(b)	Regulations 6 and 10(2)(g) and (4)
15.	The Food (Provisions relating to Labelling) (England) Regulations 2003	S.I. 2003/2647(c)	The whole Regulations
16.	The Food Labelling (Amendment) (England) Regulations 2004	S.I. 2004/1512	The whole Regulations
17.	The Food Labelling (Amendment) (England) (No. 2) Regulations 2004	S.I. 2004/2824(d)	The whole Regulations
18.	The Food with Added Phytosterols or Phytostanols (Labelling) (England) Regulations 2004	S.I. 2004/3344(e)	The whole Regulations
19.	The Food Labelling (Amendment) (England) Regulations 2005	S.I. 2005/899	The whole Regulations
20.	The Nutrition and Health Claims (England) Regulations 2007	S.I. 2007/2080(f)	Regulation 8
21.	The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007	S.I. 2007/2785(g)	Regulation 22(2) and (3)
22.	The Food Labelling (Declaration of Allergens) (England) Regulations 2008	S.I. 2008/1188(h)	The whole Regulations
23.	The Drinking Milk (England) Regulations 2008	S.I. 2008/1317(i)	Regulation 9
24.	The Food Labelling (Nutrition Information)	S.I. 2009/2538	The whole Regulations

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- (a) There are amendments to S.I. 2003/1659 not relevant to these Regulations.
(b) There are amendments to S.I. 2003/2243 not relevant to these Regulations.
(c) S.I. 2003/2647 was amended by S.I. 2004/2335.
(d) S.I. 2004/2824 was amended by S.I. 2008/1188.
(e) S.I. 2004/3344 was amended by S.I. 2005/2626.
(f) There are amendments to S.I. 2007/2080 not relevant to this revocation.
(g) There are amendments to S.I. 2007/2785 not relevant to these Regulations.
(h) S.I. 2008/1188 was amended by S.I. 2009/2801.
(i) There are amendments to S.I. 2008/1317 not relevant to these Regulations.

<i>No.</i>	<i>Statutory Instruments revoked</i>	<i>References</i>	<i>Extent of revocation</i>
	(England) Regulations 2009		
25.	The Food Enzymes Regulations 2009	S.I. 2009/3235(a)	Regulation 7
26.	The Flavourings in Food (England) Regulations 2010	S.I. 2010/2817(b)	Regulation 7
27.	The Food Labelling (Declaration of Allergens) (England) Regulations 2011	S.I. 2011/402	The whole Regulations
28.	The Wine Regulations 2011	S.I. 2011/2936(c)	Regulation 19(3)(a) to (c) and (e)
29.	The Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012	S.I. 2012/1809(d)	The entry in Part 2 of the Schedule relating to the Food Labelling Regulations 1996
30.	The Food (Miscellaneous Amendment and Revocation) (England) Regulations 2013	S.I. 2013/466	The whole Regulations
31.	The Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013	S.I. 2013/2210	Regulation 20
32.	The Fruit Juices and Fruit Nectars (England) Regulations 2013	S.I. 2013/2775	Paragraph 1 of Schedule 15
33.	The Single Common Market Organisation (Consequential Amendments) Regulations 2013	S.I. 2013/3235	Regulation 6(2)(b) to (d), (f), (h) and (i), (3), (5) and (6)

(a) S.I. 2009/3235 was amended by S.I. 2013/2210.

(b) There are amendments to S.I. 2010/2817 not relevant to these Regulations.

(c) There are amendments to S.I. 2011/2936 not relevant to these Regulations.

(d) There are amendments to S.I. 2012/1809 not relevant to these Regulations.

PART 2

Revocations coming into force on 13th December 2018

<i>No.</i>	<i>Statutory Instruments revoked</i>	<i>References</i>	<i>Extent of revocation</i>
1.	The Food Labelling Regulations 1996	S.I. 1996/1499(a)	The whole Regulations
2.	The Food Labelling (Amendment) Regulations 1998	S.I. 1998/1398(b)	The whole Regulations
3.	The Food Labelling (Amendment) Regulations 1999	S.I. 1999/747(c)	The whole Regulations
4.	The Wine Regulations 2011	S.I. 2011/2936(d)	Regulation 19(3)
5.	The Single Common Market Organisation (Consequential Amendments) Regulations 2013	S.I. 2013/3235(e)	Regulation 6

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- (a) Relevant amending instruments are S.I. 1998/141, 1398, 1999/747, 1136, 1483, 1603, 2000/768, 2254, 3323, 2003/461, 474, 1563, 1596, 1659, 2075, 2243, 2647, 3120, 2004/1512, 2824, 2005/899, 2626, 2006/14, 2007/2080, 2008/1188, 1317, 2009/2538, 3235, 2010/295, 2817, 2011/402, 1043, 2936, 2012/1809, 2013/466, 2210, 2775, 3235. S.I. 1996/1499 is amended on 15th August 2014 by paragraphs 1 to 3 of Schedule 7 to these Regulations and on 13th December 2014 by paragraphs 10 to 13 of that Schedule. S.I. 1996/1499 is revoked on 13th December 2018 by entry 1 of the table in Part 2 of Schedule 6 to these Regulations to the extent that it is not already revoked on 13th December 2014 by entry 1 of the table in Part 1 of that Schedule.
- (b) S.I. 1998/1398 is revoked on 13th December 2018 by entry 2 of the table in Part 2 of Schedule 6 to these Regulations to the extent that it is not already revoked on 13th December 2014 by entry 3 of the table in Part 1 of that Schedule; there are other instruments amending S.I. 1998/1398 but none is relevant.
- (c) S.I. 1999/747 is revoked on 13th December 2018 by entry 3 of the table in Part 2 of Schedule 6 to these Regulations to the extent that it is not already revoked on 13th December 2014 by entry 4 of the table in Part 1 of that Schedule; there are other instruments amending S.I. 1999/747 but none is relevant.
- (d) Regulation 19(3) of S.I. 2011/2936 is revoked on 13th December 2018 by entry 4 of the table in Part 2 of Schedule 6 to these Regulations to the extent that it is not already revoked on 13th December 2014 by entry 28 of the table in Part 1 of that Schedule; there are other instruments amending S.I. 2011/2936 but none is relevant.
- (e) Regulation 6 of S.I. 2013/3235 is revoked on 13th December 2018 by entry 5 of the table in Part 2 of Schedule 6 to these Regulations to the extent that it is not already revoked on 13th December 2014 by entry 33 of the table in Part 1 of that Schedule.

Consequential and other minor amendments to statutory instruments

PART 1

Consequential and other minor amendments coming into force on 15th August 2014

The Food Labelling Regulations 1996

1. The Food Labelling Regulations 1996(a) are amended as follows.

2. In regulation 4(2) (scope of Part II), in each of subparagraphs (h), (i) and (j), for “Commission Regulation (EC) No 607/2009” to the end substitute “Commission Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products(b);”.

3. For regulation 41(4) (supplementary provisions relating to nutrition labelling) substitute—

“(4) Where nutrition labelling not being prescribed nutrition labelling is given, it must be given in the manner specified in paragraph (4A) or (4B).

(4A) The nutrition labelling must be given in all respects as if it were prescribed nutrition labelling except that in applying the requirements for prescribed nutrition labelling described in Schedule 7, Part II of that Schedule is to be read as if—

- (a) in paragraph 1, the words “or that is labelled as provided for in regulation 41(4B)” were inserted after the words “paragraph 2 below applies”,
- (b) in paragraph 1(a)(ii), the words from “provided that” to the end of that paragraph were omitted, and
- (c) paragraph 1(d) were omitted.

(4B) The nutrition labelling must be given in accordance with Articles 29 to 35 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.”.

The Food (Lot Marking) Regulations 1996

4. The Food (Lot Marking) Regulations 1996(c) are amended as follows.

5. In regulation 2 (interpretation), in the definition of “first seller established within the European Union”, for “Council Directive 89/396/EEC(d)” substitute “Directive 2011/91/EU of the European Parliament and of the Council on indications or marks identifying the lot to which a foodstuff belongs(e)”.

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- (a) S.I. 1996/1499, amended by S.I. 2011/2936; there are other amending instruments but none is relevant to the amendments made by paragraphs 1 to 3.
 - (b) OJ No L 193, 24.7.2009, p 60, last amended by Commission Implementing Regulation (EU) No 753/2013 (OJ No L 210, 6.8.2013, p 21).
 - (c) S.I. 1996/1502, amended by S.I. 2011/1043.
 - (d) OJ No L 186, 30.6.1989, p 21, repealed by Directive 2011/91/EU of the European Parliament and of the Council (OJ No L 334, 16.12.2011, p 1).
 - (e) OJ No L 334, 16.12.2011, p 1.

The Addition of Vitamins, Minerals and Other Substances (England) Regulations 2007

6. The Addition of Vitamins, Minerals and Other Substances (England) Regulations 2007(a) are amended as follows.

7. In regulation 4(2)(e) (offences and penalties), after “have been added”, insert “, as read with the first subparagraph of Article 54(3) 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(b)”.

The Nutrition and Health Claims (England) Regulations 2007

8. The Nutrition and Health Claims (England) Regulations 2007(c) are amended as follows.

9. In regulation 5(2)(d) (offences and penalties), after “(requirements for nutrition information)”, insert “, as read with the first subparagraph of Article 54(3) 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”.

PART 2

Consequential and other minor amendments coming into force on 13th December
2014

The Food Labelling Regulations 1996

10. The Food Labelling Regulations 1996(d) are amended as follows.

11. In regulation 2(1) (interpretation), for the definition of “ingredient” substitute—

““ingredient” has the meaning given in Article 2(2)(e) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as amended from time to time;”.

12. In regulation 3 (exemptions), for paragraph (1) substitute—

“(1) This regulation does not apply to a food that is brought into England from another part of the United Kingdom, an EEA State (other than the United Kingdom), a member State (other than the United Kingdom) or from the Republic of Turkey in which it was lawfully produced or marketed.”.

13. In Schedule 8 (misleading descriptions), Part I—

- (a) in the second column of entry relating to the description “alcohol-free”, for subparagraph (b) substitute—

(a) S.I. 2007/1631, to which there are amendments not relevant to the amendment made by paragraphs 6 and 7.
(b) OJ No L 304, 22.11.2011, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p 7).
(c) S.I. 2007/2080, to which there are amendments not relevant to the amendment made by paragraphs 8 and 9.
(d) S.I. 1996/1499, relevant amending instruments are S.I. 1998/1398, 1999/747, 2011/1043. S.I. 1996/1499 is partially revoked on 13th December 2014 by entry 1 of the table in Part 1 of Schedule 6 to these Regulations.

- “(b) the drink is marked or labelled with—
 - (i) an indication of its maximum alcoholic strength in a form comprising of the words “not more than” followed by a figure to not more than one decimal place indicating its maximum alcoholic strength and the symbol “% vol.” (required form 1), “alcohol % vol.” (required form 2), or “alc. % vol.” (required form 3), or
 - (ii) in an appropriate case, an indication that it contains no alcohol.”;
- (b) in the second column of entry relating to the description “dealcoholised”, for subparagraph (b) substitute—
 - “(b) the drink is marked or labelled with—
 - (i) an indication of its maximum alcoholic strength in required form 1, 2 or 3, or
 - (ii) in an appropriate case, an indication that it contains no alcohol.”; and
 - (c) in the second column of entry relating to the description “low alcohol” (or any other word or description which implies that the drink being described is low in alcohol), for subparagraph (b) substitute—
 - “(b) an indication of its maximum alcoholic strength in required form 1, 2 or 3.”.

The Food (Lot Marking) Regulations 1996

14. The Food (Lot Marking) Regulations 1996(a) are amended as follows.

15. For regulation 2 (interpretation) substitute—

“2. In these Regulations—

“the Act” means the Food Safety Act 1990;

“date of minimum durability” is to be construed taking into account the definition of “date of minimum durability of a food” in Article 2(2)(r) of Regulation (EU) No 1169/2011;

“first seller established within the Community” has the same meaning as in Directive 2011/91/EU of the European Parliament and of the Council on indications or marks identifying the lot to which a foodstuff belongs;

“food” means food, within the meaning of the Act, intended for sale for human consumption;

“ice cream” has the same meaning as in Directive 2011/91/EU of the European Parliament and of the Council;

“lot” means a batch of sales units of food produced, manufactured or packaged under similar conditions;

“lot marking indication” means an indication which allows identification of the lot to which a sales unit of food belongs;

“prepacked food” has the meaning given in Article 2(2)(e) of Regulation (EU) No 1169/2011;

“prepacked for immediate sale” has the same meaning as “prepacked for direct sale” in Regulation (EU) No 1169/2011;

“Regulation (EU) No 1169/2011” means 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,

(a) S.I. 1996/1502, amended by S.I. 2011/1043. S.I. 1996/1502 is amended on 15th August 2014 by paragraphs 4 and 5 of Schedule 7 to these Regulations.

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; “sell” includes offer or expose for sale and have in possession for sale, and “sale” and “sold” are to be construed accordingly;

“ultimate consumer” has the same meaning as “final consumer” in point 18 of Article 3 of Regulation (EC) No 178/2002 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(a);

““use by” date” has the same meaning as in Regulation (EU) No 1169/2011.”.

16. In regulation 4 (exceptions for particular types of sale and sale units)—

- (a) in subparagraph (e), for “edible ice” substitute “ice cream”; and
- (b) in subparagraph (g)—
 - (i) for “an indication of minimum durability” substitute “the date of minimum durability”; and
 - (ii) for “the Food Labelling Regulations require” substitute “Regulation (EU) No 1169/2011 requires”.

The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997

17. The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997(b) are amended as follows.

18. In regulation 3(b) (labelling requirements), for “Tables A and B of Part II of Schedule 6 to the Food Labelling Regulations 1996” substitute “point 1 of Part A of Annex XIII to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”.

The Bread and Flour Regulations 1998

19. The Bread and Flour Regulations 1998(c) are amended as follows.

20. In regulation 2(1) (interpretation)—

- (a) in the definition of “ingredient”, for “the Food Labelling Regulations 1996” substitute “Article 2(2)(f) of Regulation (EU) No 1169/2011”;
- (b) in the definition of “labelling”, for “the Food Labelling Regulations 1996” substitute “Article 2(2)(j) of Regulation (EU) No 1169/2011”;
- (c) omit the definitions of “the labelling regulations” and “member State”; and
- (d) after the definition of “labelling”, insert—

““Regulation (EU) No 1169/2011” means 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;”.

(a) OJ No L 31, 1.2.2002, p 1, last amended by Commission Regulation (EC) No 596/2009 (OJ No L 188, 18.7.2009, p 14).

(b) S.I. 1997/2182, to which there are amendments not relevant to these Regulations.

(c) S.I. 1998/141, amended by S.I. 2011/1043; there are other amending instruments but none is relevant.

The Coffee Extracts and Chicory Extracts (England) Regulations 2000

21. The Coffee Extracts and Chicory Extracts (England) Regulations 2000(a) are amended as follows.

22. In regulation 2(1) (interpretation)—

- (a) omit the definition of “the 1996 Regulations”; and
- (b) after the definition of “food authority”, insert—

““Regulation (EU) No 1169/2011” means 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;”

23. In regulation 5(1) (labelling and description of designated products)—

- (a) in the introductory wording, for “the 1996 Regulations” substitute “Regulation (EU) No 1169/2011”;
- (b) in subparagraph (a), for “regulation 6(1) of the 1996 Regulations” substitute “Article 17 of Regulation (EU) No 1169/2011”; and
- (c) in subparagraph (c), for “the 1996 Regulations” substitute “Article 17 of Regulation (EU) No 1169/2011”.

The Food Supplements (England) Regulations 2003

24. The Food Supplements (England) Regulations 2003(b) are amended as follows.

25. In regulation 2(1) (interpretation)—

- (a) omit the definition of “Directive 90/496(c)”; and
- (b) after the definition of “preparation”, insert—

““Regulation (EU) No 1169/2011” means 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;”

26. In regulation 6 (restrictions on sale relating to labelling etc. of food supplements)—

- (a) in paragraph (2), for “the Food Labelling Regulations 1996” substitute “Regulation (EU) No 1169/2011”; and
- (b) in paragraph (3)(e)—
 - (i) for “the Annex to Directive 90/496” substitute “point 1 of Part A of Annex XIII to Regulation (EU) No 1169/2011”; and
 - (ii) for “relevant recommended daily allowance specified in that Annex” substitute “relevant reference value specified in that point”.

(a) S.I. 2000/3323, amended by S.I. 2003/1563; there are other amending instruments but none is relevant.

(b) S.I. 2003/1387, amended by S.I. 2009/3251; there are other amending instruments but none is relevant.

(c) OJ No L 276, 06.10.1990, p 40, repealed by Regulation (EU) No 1169/2011 of the European Parliament and of the Council (OJ No L 304, 22.11.2011, p 18).

27. In regulation 7(1) (manner of marking or labelling), for “regulation 5(a), (c) and (e) of the Food Labelling Regulations 1996” substitute “points (a), (f), (g) and (h) of Article 9(1) Regulation (EU) No 1169/2011”.

The Specified Sugar Products (England) Regulations 2003

28. The Specified Sugar Products (England) Regulations 2003(a) are amended as follows.

29. In regulation 2 (interpretation), omit the definition of “the 1996 Regulations”.

30. In regulation 5 (labelling and description of specified sugar products), for “Part II of the 1996 Regulations” substitute “Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”.

The Cocoa and Chocolate Products (England) Regulations 2003

31. The Cocoa and Chocolate Products (England) Regulations 2003(b) are amended as follows.

32. In regulation 2(1) (interpretation)—

(a) omit the definition of “the 1996 Regulations”; and

(b) after the definition of “preparation”, insert—

““Regulation (EU) No 1169/2011” means 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(c);”.

33. In regulation 5 (reserved descriptions), for subparagraphs (b) and (c) substitute—

“(b) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is only an ingredient of that food;

(c) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not and does not contain a designated product; or

(d) the use of such description, derivative or word to designate the food is in accordance with the customs applicable in the United Kingdom and the food cannot be confused with a product listed in column 1 of Schedule 1.”.

34. In regulation 6 (labelling and description of designated products)—

(a) in paragraph (1), for “Part II of the 1996 Regulations” substitute “Regulation (EU) No 1169/2011”; and

(b) in paragraph (2)(b), for “the 1996 Regulations” substitute “Article 9(1)(b) of Regulation (EU) No 1169/2011”.

The Honey (England) Regulations 2003

35. The Honey (England) Regulations 2003(d) are amended as follows.

(a) S.I. 2003/1563, to which there are amendments not relevant to these Regulations.

(b) S.I. 2003/1659, to which there are amendments not relevant to these Regulations.

(c) OJ No L 304, 22.11.2011, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p 7).

(d) S.I. 2003/2243, to which there are amendments not relevant to these Regulations.

36. In regulation 2(1) (interpretation)—

- (a) in the definition of “ingredient”, for “the 1996 Regulations” substitute “Article 2(2)(f) of Regulation (EU) No 1169/2011”;
- (b) in the definition of “labelling”, for “the 1996 Regulations” substitute “Article 2(2)(j) of Regulation (EU) No 1169/2011”;
- (c) omit the definition of “the 1996 Regulations”; and
- (d) for the definition of “preparation” substitute—

““preparation” includes manufacture and any form of processing or treatment;

“Regulation (EU) No 1169/2011” means 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;”.

37. In regulation 4(1) (labelling and description of specified honey products), for “Part II of the 1996 Regulations” substitute “Regulation (EU) No 1169/2011”.

The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (England) Regulations 2003

38. The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (England) Regulations 2003(a) are amended as follows.

39. In regulation 8(1) (labelling), for “Part II of the Food Labelling Regulations 1996” substitute “Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”.

The Price Marking Order 2004

40. The Price Marking Order 2004(b) is amended as follows.

41. In article 1(2) (interpretation), in the definition of “liquid medium”, for “paragraph 4” to the end substitute “the second subparagraph of point 5 of Annex IX to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers;”.

The Quick-frozen Foodstuffs (England) Regulations 2007

42. The Quick-frozen Foodstuffs (England) Regulations 2007(c) are amended as follows.

43. In regulation 2(1) (interpretation)—

- (a) omit the definition of “catering establishment”;
- (b) in the definition of “local distribution”, for “catering establishment” substitute “mass caterer”;
- (c) after the definition of “local distribution”, insert—

““mass caterer” has the meaning given by Article 2(2)(d) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers;”;

(a) S.I. 2003/3207, to which there are amendments not relevant to these Regulations.

(b) S.I. 2004/102, to which there are amendments not relevant to these Regulations.

(c) S.I. 2007/191, to which there are amendments not relevant to these Regulations.

(d) in the definition of “prepackaging”, for “the Food Labelling Regulations 1996” substitute “Article 2(2)(e) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”; and

(e) for the definition of “ultimate consumer” substitute—
““ultimate consumer” has the same meaning as “final consumer” in point 18 of Article 3 of Regulation 178/2002.”.

44. In paragraphs (1) and (3) of regulation 5 (marking or labelling of quick-frozen foodstuffs), for “catering establishment” substitute “mass caterer”.

The Addition of Vitamins, Minerals and Other Substances (England) Regulations 2007

45. The Addition of Vitamins, Minerals and Other Substances (England) Regulations 2007(a) are amended as follows.

46. In regulation 4(2) (offences and penalties), for subparagraph (e) substitute—

“(e) Article 7(1), (2) and (3)(b) (restrictions and conditions applying to labelling, presentation and advertising of foods to which vitamins or minerals have been added).”.

The Nutrition and Health Claims (England) Regulations 2007

47. The Nutrition and Health Claims (England) Regulations 2007(c) are amended as follows.

48. In regulation 5(2) (offences and penalties), for subparagraph (d) substitute—

“(d) Article 7(d) (requirements for nutrition information);”.

The Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007

49. The Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007(e) are amended as follows.

50. In regulation 2(1) (interpretation), for the definition of “meat” substitute—

““meat” means the skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue but does not include mechanically separated meat (which has the meaning given in point 1.14 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin)(f);”.

(a) S.I. 2007/1631 is amended on 15th August 2014 by paragraphs 6 and 7 of Schedule 7 to these Regulations; there are other amending instruments but none is relevant.

(b) Article 7(3) of Regulation (EC) No 1925/2006 of the European Parliament and of the Council (OJ No L 404, 30.12.2006, p 26) was amended by Article 50 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council; by virtue of the second subparagraph of Article 55 of Regulation (EU) No 1169/2011 that amendment applies from 13th December 2014.

(c) S.I. 2007/2080 is amended on 15th August 2014 by paragraphs 8 and 9 of Schedule 7 to these Regulations; there are other amending instruments but none is relevant.

(d) Article 7 of Regulation (EC) No 1924/2006 of the European Parliament and of the Council (OJ No L 404, 30.12.2006, p 9) was amended by Article 49 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council; by virtue of the second subparagraph of Article 55 of Regulation (EU) No 1169/2011 that amendment applies from 13th December 2014.

(e) S.I. 2007/2359, to which there are amendments not relevant to these Regulations.

(f) OJ No L 139, 30.4.2004, p 55, last amended by Commission Regulation (EU) No 633/2014 (OJ No L 175, 16.6.2014, p 6).

The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007

51. The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007(**a**) are amended as follows.

52. In regulation 2(1) (interpretation), for the definition of “advertisement” and “advertise” substitute—

““advertisement” means a representation in any form in connection with a trade or business in order to promote the supply of goods and “advertise” is to be construed accordingly;”.

The Spirit Drinks Regulations 2008

53. The Spirit Drinks Regulations 2008(**b**) are amended as follows.

54. In Part 2 of Schedule 2 (provisions of Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks(**c**) contravention of which is an offence), in the second column of the entry in the table relating to Article 9(9) of Regulation (EC) No 110/2008 of the European Parliament and of the Council, for “Directive 2000/13/EC(**d**)” until “food enzymes” substitute “Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”.

The Eggs and Chicks (England) Regulations 2009

55. The Eggs and Chicks (England) Regulations 2009(**e**) are amended as follows.

56. In regulation 3(1) (interpretation)—

(a) omit the definition of “Directive 2000/13/EC”;

(b) for the definition of “Regulation (EC) No 2160/2003”, substitute—

““Regulation (EC) No 2160/2003” means Regulation (EC) No 2160/2003 of the European Parliament and of the Council on the control of salmonella and other specified food-borne zoonotic agents(**f**);

“Regulation (EU) No 1169/2011” means 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;”.

57. In Part 2 of Schedule 2 (provisions of Commission Regulation (EC) No 589/2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs(**g**) contravention of which is an offence)—

(a) in the second column of the entry in the table relating to Article 4(2) of Commission Regulation (EC) No 589/2008, for “Directive 2000/13/EC” substitute “Regulation (EU) No 1169/2011”;

(a) S.I. 2007/2785, to which there are amendments not relevant to these Regulations.

(b) S.I. 2008/3206, amended by S.I. 2009/3235; there are other amending instruments but none is relevant.

(c) OJ No L 39, 13.2.2008, p 16, last amended by Commission Regulation (EU) No 426/2014 (OJ No L 125, 26.4.2014, p 55).

(d) OJ No L 109, 06.05.2000, p 29, last amended by Council Directive 2013/20/EU (OJ No L 158, 10.06.2013, p 234).

(e) S.I. 2009/2163, to which there are amendments not relevant to these Regulations.

(f) OJ No L 325, 12.12.2003, p 1, last amended by Council Regulation (EU) No 517/2013 (OJ No L 158, 10.06.2013, p 1).

(g) OJ No L 163, 24.6.2008, p 6, last amended by Commission Regulation (EU) No 519/2013 (OJ No L 158, 10.6.2013, p 74).

- (b) in the second column of the entry in the table relating to Article 6(3) of Commission Regulation (EC) No 589/2008, for “Article 9(2) of Directive 2000/13/EC” substitute “point 1(a) of Annex X to Regulation (EU) No 1169/2011”; and
- (c) in the second column of the entry in the table relating to Article 13 of Commission Regulation (EC) No 589/2008, for “Article 3(1)(5) of Directive 2000/13/EC” substitute “Article 9(1)(f) of Regulation (EU) No 1169/2011”.

The Food Safety and Hygiene (England) Regulations 2013

58. The Food Safety and Hygiene (England) Regulations 2013(a) are amended as follows.

59. In Schedule 4 (temperature control requirements), in paragraph 8 (interpretation), for subparagraphs (a) and (b) in the definition of “shelf life” substitute—

- “(a) in relation to food for which a date of minimum durability is required in accordance with Article 9(1)(f) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as read with Article 24(1) and (2) of that Regulation, the period up to and including the required date of minimum durability;
- (b) in relation to food for which a “use by” date is required in accordance with Article 9(1)(f) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council, as read with Article 24(1) and (2) of that Regulation, the period up to and including the required “use by” date; and”.

(a) S.I. 2013/2996.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision to enforce, in England, 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, in England, 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 point 1 of Part B of Annex VI 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 1(9) provides for regulations 5, 6 and 7 to cease to have effect on 13th December 2021.

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 food authorities and port health authorities to enforce the Regulations and empowers other district councils (which are not defined as food authorities for this purpose) to enforce certain allergen-related provisions. Regulation 10 makes it an offence to fail to comply with specified provisions of FIC and the allergen-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 Act 1990 (1990 c. 16), with modifications. This includes the application (with modifications) of section 10(1), enabling an improvement notice to be served requiring compliance with specified provisions of FIC (except to the extent that some of the provisions apply to the mandatory particular relating to net quantity or quantity in general) or with specified provisions of regulations 5 to 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.I. 1996/1499) on 13th December 2014 so far as those Regulations apply to England. Regulation 13 and entry 1 of the table in Part 2 of Schedule 6 revoke the remainder of the provisions in the Food Labelling Regulations 1996 (relating to alcohol-related terms, cream

and cheese) on 13th December 2018 so far as those Regulations apply to England. Regulation 13 and Schedule 6 also revoke other relevant statutory instruments. With some exceptions, the revocations have the same territorial extent and application as the statutory instruments being revoked.

Regulation 14 and Schedule 7 amend the Food Labelling Regulations 1996, so far as those Regulations apply to England, during the period before those Regulations are revoked (as described above). They make amendments to other statutory instruments to take account of the repeal and replacement of the relevant EU legislation and the revocation of the Food Labelling Regulations 1996. With some exceptions, the amendments have the same territorial extent and application as the statutory instruments being amended.

Regulation 14 and Part 1 of Schedule 7 also amend the Food (Lot Marking) Regulations 1996 (S.I. 1996/1502), in their application to England, 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 15 requires the Secretary of State to review the operation and effect of these Regulations from time to time and to publish a report before 13th December 2019 and within every five years after that.

Following the first review it will fall to the Secretary of State to consider whether regulations 5, 6 and 7, and regulation 12 and Schedule 4 so far as they relate to those regulations, should be allowed to expire as regulation 1(9) provides, be revoked early, or to continue in force with or without amendment. A further instrument would be needed to continue regulations 5, 6 and 7, and regulation 12 and Schedule 4 so far as they relate to those regulations, in force with or without amendment or to revoke them early.

It will also fall to the Secretary of State to consider whether the remainder of these Regulations should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke or amend the remainder of these Regulations.

A full impact assessment of the effect these Regulations will have on the costs of business, the voluntary sector and the public sector is available from the Food Policy Unit, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and is published with the Explanatory Memorandum alongside the Regulations on www.legislation.gov.uk.

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