

2013 No.

FOOD

The Food Information Regulations 2013

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Coming into force in accordance with regulation 1(5) to (9)

CONTENTS

1. Citation, extent, application, commencement and expiry
2. Interpretation
3. Derogation relating to milk and milk products
4. Derogation relating to minced meat
5. Foods that are not prepacked etc. containing an allergenic substance or product etc.
6. Irradiated foods
7. Enforcement
8. Offence
9. Penalty
10. Application of provisions of the Act
11. Revocations
12. Consequential and other amendments
13. Review

SCHEDULE 1 — Mark to be used on minced meat to which the derogation in regulation 4 applies

SCHEDULE 2 — Application and modification of provisions of the Act

PART 1 — In relation to improvement notices

PART 2 — Powers of entry

PART 3 — Generally

SCHEDULE 3 — Improvement notices - specified FIR provisions

PART 1 — Specified FIR provision applying on and from 1st January 2014

PART 2 — Specified FIR provisions applying on and from 13th December 2014

PART 3 — Specified FIR provision applying on and from 13th December 2016

SCHEDULE 4 — Revocations

SCHEDULE 5 — Consequential and other amendments

PART 1 — Consequential and other amendments that have effect on 6th April 2013

PART 2 — Consequential and other amendments that have effect on 13th December 2014

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 any reference to specified provisions of Regulation (EU) No 1169/2011(b) 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 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 food and drink intended for sale for human consumption, including the presentation, packaging, labelling, marketing and advertising of such food and drink(c);
- (b) in relation to measures relating to the description of and other requirements relating to spirit drinks(d); and
- (c) in relation to the common agricultural policy(e).

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

As required by Article 9 of Regulation (EC) No 178/2002(h) of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, there has been open and transparent public consultation during the preparation and evaluation of 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), paragraph 1A of Schedule 2 to the European Communities Act 1972(i);
- (b) so far as relating to regulations 11 and 12 and Schedules 4 and 5—
 - (i) section 2(2) of 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(a) and now vested in the Secretary of State(b); and

(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.

(c) S.I. 2005/2766, 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. 1972/1811, to which there are amendments not relevant to these Regulations.

(f) 1990 c.16.

(g) Section 48(4A) was inserted by paragraphs 7 and 21 of Schedule 5 to the Food Standards Act 1999.

(h) 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).

(i) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006.

- (iii) sections 114A(c) and 138(7) and (8) of the School Standards and Framework Act 1998(d), in relation to the amendment of the Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007; and
- (c) so far as relating to the other regulations and Schedules, sections 6(4), 16(1)(e), 17(1) and (2), 26(2)(e) and (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 2013.

(2) A revocation of Regulations by regulation 11 and Schedule 4 has the same extent and application as the Regulations being revoked except that, for the purpose of the revocation of the Regulations specified in entries 1, 3, 4 and 6 of Schedule 4, these Regulations apply in England only.

(3) A revocation of a provision of Regulations by regulation 11 and Schedule 4 has the same extent and application as the provision in the Regulations being revoked except that, for the purpose of the revocation of the provisions specified in entries 2, 5 and 7 of Schedule 4, these Regulations apply in England only.

(4) An amendment of a provision of a statutory instrument by regulation 12 and Schedule 5 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 and 2 of Part 1 of Schedule 5 and paragraphs 1, 2 and 3 of Part 2 of Schedule 5 apply, these Regulations apply in England only.

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

(6) Except as provided for in paragraphs (7) to (9), these Regulations come into force on 13th December 2014.

(7) For the purposes of Part 1 of Schedule 5, and regulation 12 so far it relates to that Part, these Regulations come into force on 6th April 2013.

(8) For the purposes of regulation 4, Schedule 1, Part 1 of Schedule 3 and regulation 10(1) so far as it enables an improvement notice to be served on a person requiring them to comply with the provision of FIR specified in Part 1 of Schedule 3, these Regulations come into force on 1st January 2014.

(9) For the purposes of Part 3 of Schedule 3, and regulation 10(1) so far as it enables an improvement notice to be served on a person requiring them to comply with the provision of FIR specified in Part 3 of Schedule 3, these Regulations come into force on 13th December 2016.

(10) Regulation 5, and regulation 10(1) so far as it enables an improvement notice to be served on a person requiring them to comply with regulation 5(3), (4) or (5), cease to have effect on 13th December 2021.

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- (a) Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40) and paragraphs 7, 10(1) and (3) of Schedule 5 to the Food Standards Act 1999 (c. 28) and partially repealed by Schedule 6 to the 1999 Act and S.I. 2002/794. Section 16(1) was amended by paragraphs 7 and 8 of Schedule 5 to the 1999 Act. Section 17 was amended by paragraphs 7, 8 and 12 of Schedule 5 to the 1999 Act and S.I. 2011/1043. Section 18 was amended by paragraphs 7, 8 and 13 of Schedule 5 to the 1999 Act. Section 26 was amended by paragraph 13(1) and (2) of Schedule 8 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and was partially repealed by Schedule 6 to the 1999 Act and Part 1 of Schedule 23 to the 2007 Act. Section 45 was amended by paragraphs 7, 8 and 20 of Schedule 5 to the 1999 Act. Section 48(1) was amended by paragraphs 7 and 8 of Schedule 5 to the 1999 Act.
 - (b) 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.
 - (c) 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 S.I. 2010/1158.
 - (d) 1998 c.31, to which there are other amendments not relevant to these Regulations. For the meaning of “prescribed” and “regulations”, see section 142(1) of the 1998 Act.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“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;

“FIR” 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;

“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 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;

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

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

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

(2) Except as otherwise provided for—

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

(3) Any reference in these Regulations to an Article of, or Annex to, FIR is a reference to that Article or Annex 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 the designation ‘minced meat’ if the mark in Schedule 1 appears on the labelling.

(2) 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).

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 provide the particulars specified in Article 9(1)(c) in relation to that food in any manner that they choose, including, subject to paragraph (3), orally.

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

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

(3) Where a food business operator intends to provide the particulars specified in Article 9(1)(c) relating to a relevant food orally, they must indicate that details of the Annex II substance or product used as an ingredient or processing aid in the manufacture or preparation of the food, or derived from such a 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 they choose that food.

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

(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).

Irradiated foods

6.—(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.

(2) Paragraph (1) applies to—

- (a) a product intended for the ultimate consumer and mass caterers that has been treated with ionising radiation; and
- (b) a product intended for the ultimate consumer and 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 irradiated ingredient.

(4) Paragraph (3) applies to a product—

- (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 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) In this regulation—

“in bulk” has the same meaning as in Article 6 of Directive 1999/2/EC^(a) 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;

“ionising radiation” has the same meaning as in Directive 1999/2/EC of the European Parliament and of the Council; and

“product” has the same meaning as in Directive 1999/2/EC of the European Parliament and of the Council.

(7) 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; and
- (b) a product which is prepared for patients requiring sterile diets under medical supervision.

Enforcement

7. It is the duty of each food authority within its area and each port health authority within its district to enforce these Regulations.

Offence

8.—(1) A person is guilty of an offence if—

- (a) the person fails to comply with any provision of FIR specified in paragraph (2), as read with Articles 1(3) and 6 and the first subparagraph of Article 54(1); or
- (b) the person fails to comply with regulation 5(5).

(2) The provisions of FIR 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) .

Penalty

9. A person guilty of an offence under regulation 8 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Application of provisions of the Act

10.—(1) The provisions of the Act specified in column 1 of Part 1 of Schedule 2 apply, with the modifications specified in column 2 of that Part for the purposes of—

- (a) enabling an improvement notice (“a section 10 applied improvement notice”) to be served on a person requiring them to comply with—
 - (i) a provision of FIR specified in Schedule 3;
 - (ii) regulation 5(3), (4) or (5); or
 - (iii) regulation 6(1) or (3);

(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).

- (b) making the failure to comply with a section 10 applied improvement notice an offence (“a section 10 applied offence”);
- (c) providing for defences against a section 10 applied offence;
- (d) providing a punishment for a section 10 applied offence; and
- (e) enabling a decision to serve a section 10 applied improvement notice to be appealed.

(2) The provisions of the Act specified in column 1 of Part 2 of Schedule 2 of the Act apply, with the modifications specified in column 2 of that Part, 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 FIR specified in Schedule 3;
- (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of such provisions; and
- (c) where exercising a power of entry under the applied section 32 provisions, to exercise the associated powers in subsections (5) and (6) relating to records.

(3) Paragraphs (1) and (2) are without prejudice to the application of the provisions of the Act specified in column 1 of Part 1 of Schedule 2 and column 1 of Part 2 of that Schedule to these Regulations for purposes other than those specified in paragraphs (1) and (2).

(4) For the purposes of these Regulations, the provisions of the Act specified in column 2 of Part 3 of Schedule 2 apply, with the modifications specified in column 3 of that Part.

Revocations

11. The Regulations specified in Schedule 4 are revoked to the extent specified.

Consequential and other amendments

12. Schedule 5 has effect.

Review

13.—(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.

(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 FIR 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 of the European Parliament and of the Council (which are implemented by means of regulation 6 and regulation 10(1) so far as it enables an improvement notice to be served on a person requiring them to comply with regulation 6(1) and (3)) 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 have been 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 the end of the period of five years beginning with 13th December 2014.

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

Date *Name*
Minister of State
Department for Environment, Food and Rural Affairs

SCHEDULE 1 Regulations 1(8) and 4(1)

Mark to be used on minced meat to which the derogation in regulation 4 applies

For UK market

[For illustration only – see consultation document for further details, including details of requirements that may be imposed in relation to the national mark]

SCHEDULE 2 Regulation 10(1), (2), (3) and (4)

Application and modification of provisions of the Act

PART 1

In relation to improvement notices

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Modifications</i>
Section 10(1) and (2) (improvement notices)	In subsection (1)— <ul style="list-style-type: none">(a) for “an authorised officer of an enforcement authority” substitute “an authorised officer of a food authority (as defined by regulation 2(1) of the Food Information Regulations 2013) or a port health authority”;(b) for “the proprietor of a food business is failing to comply with any regulations to which this section applies, he may by a notice served on that proprietor” substitute “a person is failing to comply with 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 Schedule 3 to the Food Information Regulations 2013, or with regulation 5(3), (4) or (5) or 6(1) or (3) of the 2013 Regulations, the authorised officer may, by a notice served on that person”;(c) in paragraphs (a), (c) and (d), for “the proprietor”, substitute “the person”;(d) in paragraph (a), for “the regulations”, substitute “the relevant provision”;

	(e) in paragraph (b), for “the proprietor’s”, substitute “the person’s”; and
	(f) in paragraph (d), omit “(not being less than 14 days)”.
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 10(1) of, and Part 1 of Schedule 2 to, the Food Information Regulations 2013,”.
Section 21(1)(a), (5) and (6) (defence of due diligence)	For “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 10(1) of, and Part 1 of Schedule 2 to, the Food Information Regulations 2013,”.
Section 35 (punishment of offences)	After subsection (1), insert the following subsection— “(1A) A person guilty of an offence under section 10(2), as applied by regulation 10(1) of, and Part 1 of Schedule 2 to, the Food Information Regulations 2013, shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”.
Section 37(1) and (6) (appeals)	In subsection (1)— (a) in paragraph (a)— (i) for “an authorised officer of an enforcement authority” substitute “an authorised officer of a food authority (as defined by regulation 2(1) of the Food Information Regulations 2013) or a port health authority”; and (ii) after “an improvement notice”, insert “under section 10(1), as applied and modified by regulation 10(1) of, and Part 1 of Schedule 2 to, the 2013 Regulations”; (b) omit paragraphs (b) and (c); and (c) for “a magistrates’ court or, in Scotland, to the sheriff”, substitute “the First-tier Tribunal”. In subsection (6)— (a) for “such an appeal as is mentioned in subsection (3) or (4) above lies”, substitute “an appeal lies against a decision of an authorised officer of a food authority or a port health authority to serve an improvement notice under section 10(1)”; (b) in paragraph (a), for “a magistrates’ court or to the sheriff”, substitute “the First-tier Tribunal”.

PART 2

Powers of entry

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
Section 32(1) to (7)	In subsection (1)— (a) in paragraph (a), for “this Act, or of regulations or orders made under it” substitute “Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to

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

- consumers specified in Schedule 3 to the Food Information Regulations 2013”;
- (b) in paragraph (b), for “such provisions” substitute “any provision of Regulation (EU) No 1169/2011 specified in Schedule 3 to the Food Information Regulations 2013”; and
- (c) omit (c).

PART 3

Generally

<i>Column 1 Number</i>	<i>Column 2 Provision of the Act</i>	<i>Column 3 Modifications</i>
1.	Section 3 (presumptions that food is intended for human consumption)	In subsection (1), for “this Act” substitute “the Food Information Regulations 2013”.
2.	Section 20 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “regulation 8 of the Food Information Regulations 2013”.
3.	Section 21(a) (defence of due diligence)	Subsections (2) to (4) apply in relation to an offence under regulation 8 as they apply to an offence under section 14 or 15.
4.	Section 22 (defence of publication in the course of business)	For “any of the preceding provisions of this Part” substitute “regulation 8 of the Food Information Regulations 2013”.
5.	Section 30(8) (which relates to documentary evidence)	For “this Act” substitute “the Food Information Regulations 2013”.
6.	Section 33 (obstruction etc. of officers)	In subsection (1), for “this Act” (in both places occurring) substitute “the Food Information Regulations 2013”.
7.	Section 35(1)(b) (punishment of offences), insofar as it relates to offences under section 33(1) as applied to these Regulations by regulation 10(4) and entry 6 of this Part and section 35(2) and (3) (punishment of offences) insofar as they relate to offences under section 33(2) as applied to these Regulations by regulation 10(4) and entry 6 of this Part	
8.	Section 36 (offences by body corporate)	In subsection (1), for “this

(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.

		Act” substitute “the Food Information Regulations 2013”.
9.	Section 36A(a) (offences by Scottish partnerships)	In subsection (1), for “this Act” substitute “the Food Information Regulations 2013”.
10.	Section 44 (protection of officers acting in good faith)	For “this Act” (wherever occurring) substitute “the Food Information Regulations 2013”.

SCHEDULE 3

Regulations 1(8) and (9)
and 10(1)(a)(i)

Improvement notices - specified FIR provisions

PART 1

Specified FIR provision applying on and from 1st January 2014

<i>Relevant provision of FIR</i>	<i>Provisions to be read with the provision of FIR</i>
Article 17(5), so far as it applies to the specific requirements in Part B of Annex VI concerning the designation “minced meat” (requirements concerning the designation “minced meat” and the particulars that must accompany it)	Articles 1(3) and 6 and the third subparagraph of Article 54(1), Part B of Annex VI and regulation 4

PART 2

Specified FIR provisions applying on and from 13th December 2014

<i>Relevant provision of FIR</i>	<i>Provisions to be read with the provisions of FIR</i>
Article 6 (basic requirement for food information to accompany food)	Articles 1(3) and the first subparagraph of Article 54(1), and, as appropriate, the other Articles of FIR listed in column 1 and Articles 30(2) and (3)
Article 7(1), except so far as it applies to misleading information relating to net quantity (prohibition on misleading information)	Articles 1(3), 6 and 7(4) and the first subparagraph of Article 54(1)
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)
Article 7(3) (prohibition on food information attributing health benefits to any food subject to	Articles 1(3), 6 and 7(4) and the first subparagraph of Article 54(1)

(a) Section 36A was inserted by paragraphs 7 and 16 of Schedule 5 to the Food Standards Act 1999.

<p>certain derogations)</p> <p>Article 8(2) (requirement for a food business operator to ensure the presence and accuracy of food information)</p> <p>Article 8(3) (requirement for a food business operator not to supply non-compliant food)</p> <p>Article 8(4) (restrictions on the modification of information accompanying a food)</p> <p>Article 8(5) (obligation to ensure and verify compliance with food information law etc.)</p> <p>Article 8(6) (requirement to transmit information relating to non-prepacked foods)</p> <p>Article 8(7) (requirement relating to the mandatory particulars required by Articles 9 and 10)</p> <p>Article 8(8) (requirement for a food business operator to provide sufficient information to other food business operators)</p> <p>Article 9(1)(a) (mandatory indication relating to the name of the food)</p> <p>Article 9(1)(b) (mandatory indication relating to the list of ingredients)</p> <p>Article 9(1)(c) (mandatory indication relating to ingredients and processing aids causing allergies or intolerances)</p> <p>Article 9(1)(d) (mandatory indication relating to the quantity of certain ingredients or categories of ingredients)</p> <p>Article 9(1)(f) (mandatory indication relating to date of minimum durability or the “use by” date)</p> <p>Article 9(1)(g) (mandatory indication relating to any special storage conditions, the conditions of use, or both)</p> <p>Article 9(1)(h) (mandatory indication relating to the name or business name and address of the food business operator)</p> <p>Article 9(1)(i) (mandatory indication relating to country of origin or place of provenance)</p> <p>Article 9(1)(j) (mandatory indication relating to instructions for use)</p> <p>Article 9(1)(k) (mandatory indication relating to the actual alcoholic strength of beverages containing more than 1.2% by volume of alcohol)</p> <p>Article 10(1) (additional mandatory particulars for specific types of food)</p> <p>Article 12(1) (availability and placement of mandatory food information)</p>	<p>Articles 1(3) and 6 and the first subparagraph of Article 54(1)</p> <p>Articles 1(3) and 6 and the first subparagraph of Article 54(1)</p> <p>Articles 1(3) and 6 and the first subparagraph of Article 54(1)</p> <p>Articles 1(3) and 6 and the first subparagraph of Article 54(1)</p> <p>Articles 1(3) and 6 and the first subparagraph of Article 54(1)</p> <p>Articles 1(3) and 6 and the first subparagraph of Article 54(1)</p> <p>Articles 1(3) and 6 and the first subparagraph of Article 54(1)</p> <p>Articles 1(3), 6, 9(2), 16(1) and (2), 17, 22(1)(a) and 40 and the first subparagraph of Article 54(1), Annex VI and regulation 3</p> <p>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, and the first subparagraph of Article 54(1), Annexes VI and VII and regulation 3</p> <p>Articles 1(3), 6, 9(2), 11, 16(1) and (2), 18(1), 21(1) and 40 and the first subparagraph of Article 54(1), Annex II and regulation 3</p> <p>Articles 1(3), 6, 9(2), 11, 16(1) and (2), 22 and 40, and the first subparagraph of Article 54(1), Annex VIII and regulation 3</p> <p>Articles 1(3), 6, 9(2), 16(1) and (2), 24 and 40 and the first subparagraph of Article 54(1), points 1 and 2 of Annex X and regulation 3</p> <p>Articles 1(3), 6, 9(2), 16(1) and (2), 25 and 40 and the first subparagraph of Article 54(1) and regulation 3</p> <p>Articles 1(3), 6, 8(1), 9(2), 16(1) and (2) and 40 and the first subparagraph of Article 54(1) and regulation 3</p> <p>Articles 1(3), 6, 9(2), 16(1) and (2), 26(1) and (2), and 40, and the first subparagraph of Article 54(1) and regulation 3</p> <p>Articles 1(3), 6, 9(2), 16(1) and (2), 27 and 40 and the first subparagraph of Article 54(1) and regulation 3</p> <p>Articles 1(3), 6, 9(2), 11, 16(1) and (2) and 28, and the first subparagraph of Article 54(1) and Annex XII</p> <p>Articles 1(3) and 6 and the first subparagraph of Article 54(1) and Annex III</p> <p>Articles 1(3) and 6 and the first subparagraph of Article 54(1), and Article</p>
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Article 13(1) (general requirement for the presentation of mandatory particulars)	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 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
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
Article 13(3) (font size of mandatory particulars on smaller packages)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
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)
Article 14(1) (distance selling of prepacked foods)	Articles 1(3), 6, 9 and 14(3) and the first subparagraph of Article 54(1)
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)
Article 15(1) (language requirements)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
Article 17(1) (name of food)	Articles 1(3), 6 and 9(1) and the first subparagraph of Article 54(1) and regulation 4
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)
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)
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)
Article 17(5), except so far as it applies to the specific requirements in Part B of Annex VI concerning the designation “minced meat” (requirements on the name of a food and particulars that must accompany it)	Articles 1(3) and 6 and the first subparagraph of Article 54(1) and Annex VI
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 6 and the first subparagraph of paragraph 5 of Article 3 of Council Directive 2001/112/EC(a) relating to fruit juices and certain similar products intended for human consumption
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

(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).

Article 18(3) (requirement relating to nanomaterial ingredients)	Annexes VI and VII
Article 21(1) (requirements relating to certain substances or products that cause an allergy or intolerance)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
Article 22(1) (requirement relating to the need to provide a quantitative indication of an ingredient)	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
Article 22(2) (technical rules for quantitative indication of ingredients.	Articles 1(3), 6 and 22(2), the first subparagraph of Article 54(1) and Annex VIII
Article 24(1), first sentence) (requirement relating to “use by” dates)	Articles 1(3), 6 and 22(1), the first subparagraph of Article 54(1) and Annex VIII
Article 24(2) (requirement to express minimum durability date, “use by date” and date of freezing in a particular way)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
Article 25(1) (requirement for special storage conditions or conditions for use, or both, to be indicated on food)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex X
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)
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 and the first subparagraph of Article 54(1)
Article 27(1) (instructions for use indication)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex XI
Article 28(2) (alcoholic strength by volume indication for beverages containing more than 1.2% volume of alcohol)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
Article 30(1) (content of mandatory nutrition declaration)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex XII
Article 31(1) (conversion factors to be used for calculation of energy value)	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)
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) and 6, the first subparagraph of Article 54(1) and Annex XIV
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), 6 and 30(1) to (5) and the first subparagraph of Article 54(1)
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 and the first subparagraph of Article 54(1)
Article 32(2) (energy value and amount of nutrients to be expressed per 100 grams or per 100 millilitres)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex XV
	Articles 1(3), 6, 33(1), (2) and (3), the first subparagraph of Article 54(1) and Part B of Annex XIII

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
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)
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)
Article 33(2), second subparagraph (requirement 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)	Articles 1(3), 6, 30(3)(b), 32(2), the first subparagraph of Article 33(2) and the first subparagraph of Article 54(1)
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)
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
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)
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)
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)
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
Article 36(1) (requirements that voluntary information must comply with)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and sections 2 and 3 of Chapter IV
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)
Article 37 (presentation of voluntary food information – space availability)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
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
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 13 th December 2014 to and	Articles 1(3), 6 and 29 to 35

PART 3

Specified FIR provision applying on and from 13th December 2016

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

SCHEDULE 4

Regulations 1(2) and (3)
and 11

Revocations

<i>No.</i>	<i>Reference</i>	<i>Extent of revocation</i>
1.	The Food Labelling Regulations 1996(a)	The whole Regulations.
2.	The Bread and Flour Regulations 1998(b)	Regulation 11.
3.	The Food Labelling (Amendment) Regulations 1998(c)	The whole Regulations.
4.	The Food Labelling (Amendment) Regulations 1999(d)	The whole Regulations.
5.	The Miscellaneous Food Additives (Amendment) Regulations 1999(e)	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(f)	The whole Regulations.
7.	The Contaminants in Food (Amendment) Regulations 1999(g)	Regulation 10(2).
8.	The Food Irradiation Provisions (England) Regulations 2000(h)	The whole Regulations.
9.	The Coffee Extracts and Chicory Extracts (England) Regulations 2000(i)	Regulation 11(1) and (2)(g).
10.	The Colours in Food (Amendment) (England) Regulations 2001(j)	Regulation 4(3)(e).
11.	The Food Labelling (Amendment) (England) Regulations 2003(k)	The whole Regulations.
12.	The Specified Sugar Products (England) Regulations 2003(l)	Regulation 10(2).

(a) S.I. 1996/1499, as amended by 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, 2225, 2817, 2011/402, 1043, 2936 and these Regulations.

(b) S.I. 1998/141, to which there are amendments not relevant to these Regulations.

(c) S.I. 1998/1398.

(d) S.I. 1999/747.

(e) S.I. 1999/1136, to which there are amendments not relevant to these Regulations.

(f) S.I. 1999/1483.

(g) S.I. 1999/1603.

(h) S.I. 2000/2254, as amended by S.I. 2009/1584.

(i) S.I. 2000/3323, to which there are amendments not relevant to these Regulations.

(j) S.I. 2001/3442.

(k) S.I. 2003/474.

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

<i>No.</i>	<i>Reference</i>	<i>Extent of revocation</i>
13.	The Cocoa and Chocolate Products (England) Regulations 2003 (a)	Regulation 11(1) and (2)(g).
14.	The Food (Provisions relating to Labelling) (England) Regulations 2003 (b)	The whole Regulations.
15.	The Food Labelling (Amendment) (England) Regulations 2004 (c)	The whole Regulations.
16.	The Food Labelling (Amendment) (England) (No. 2) Regulations 2004 (d)	The whole Regulations.
17.	The Food with Added Phytosterols or Phytosterols (Labelling) (England) Regulations 2004 (e)	The whole Regulations.
18.	The Food Labelling (Amendment) (England) Regulations 2005 (f)	The whole Regulations.
19.	The Food Hygiene (England) Regulations 2006 (g)	In Schedule 7, paragraphs 12 to 14.
20.	The Nutrition and Health Claims (England) Regulations 2007 (h)	Regulation 8.
21.	The Food Labelling (Declaration of Allergens) (England) Regulations 2008 (i)	The whole Regulations.
22.	The Drinking Milk (England) Regulations 2008 (j)	Regulation 9.
23.	The Food Labelling (Nutrition Information) (England) Regulations 2009 (k)	The whole Regulations.
24.	The Food Enzymes Regulations 2009 (l)	Regulation 7.
25.	The Flavourings in Food (England) Regulations 2010 (m)	Regulation 7.
26.	The Food Labelling (Declaration of Allergens) (England) Regulations 2011 (n)	The whole Regulations.
27.	The Wine Regulations 2011 (o)	Regulation 19(3).

(a) S.I. 2003/1659.

(b) S.I. 2003/2647.

(c) S.I. 2004/1512.

(d) S.I. 2004/2824.

(e) S.I. 2004/3344.

(f) S.I. 2005/899.

(g) S.I. 2006/14, to which there are amendments not relevant to these Regulations.

(h) S.I. 2007/2080, to which there are amendments not relevant to this revocation.

(i) S.I. 2008/1188.

(j) S.I. 2008/1317.

(k) S.I. 2009/2538.

(l) S.I. 2009/3235.

(m) S.I. 2010/2817.

(n) S.I. 2011/402.

(o) S.I. 2011/2936.

Consequential and other amendments

PART 1

Consequential and other amendments that have effect on 6th April 2013

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

- (a) in subparagraphs (h), (i) and (j) of regulation 4(2), for “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”, 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); and

- (b) in regulation 41, for paragraph (4) 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 shall 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

2. In regulation 2 of the Food (Lot Marking) Regulations 1996(c), 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).

(a) S.I. 1996/1499, as amended by 2011/2936 and to which there are other amendments not relevant to these amendments.
 (b) OJ No L 193, 24.7.2009, p 60, last amended by Commission Implementing Regulation (EU) No 579/2012 (OJ No L 171, 30.6.2012, p 4).
 (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 (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

3. In regulation 4(2)(e) of the Addition of Vitamins, Minerals and Other Substances (England) Regulations 2007(a), after “(restrictions and conditions applying to labelling, presentation and advertising of foods to which vitamins or minerals 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”.

The Nutrition and Health Claims (England) Regulations 2007

4. In regulation 5(2)(d) of the Nutrition and Health Claims (England) Regulations 2007, 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 amendments that have effect on 13th December 2014

The Food (Lot Marking) Regulations 1996

1. The Food (Lot Marking) Regulations 1996 are amended, as follows—

- (a) in regulation 2—
 - (i) omit the definition of “edible ice”;
 - (ii) omit the definition of “the Food Labelling Regulations” and the words “and “indication of minimum durability”, “use by date” and “ultimate consumer” have the same meanings as in those Regulations;” following that definition;
 - (iii) omit the definition of “prepacked” and the words “and “prepacking” shall be construed accordingly;” following that definition;
 - (iv) insert the following definitions in their alphabetical place—

““date of minimum durability” has the meaning given in Article 2(2)(r) of Regulation (EU) No 1169/2011;”;

““ice cream” 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;”;

““prepacked food” has the meaning given in Article 2(2)(e) of Regulation (EU) No 1169/2011 and “pre-packing” must be construed accordingly;”;

““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. 2007/1631, to which there are amendments not relevant to this amendment.

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;”;

““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; and”;

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

- (v) in the definition of “prepacked for immediate sale”, for “the Food Labelling Regulations”, substitute “Regulation (EU) No 1169/2011”;
- (b) in regulation 4(e) for “edible ice”, substitute “ice cream”; and
- (c) in regulation 4(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

2. In regulation 3(b) of the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997(a), 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

3. The Bread and Flour Regulations 1998 are amended as follows—

- (a) in regulation 2(1) —
 - (i) in the definition of “ingredient”, for “the Food Labelling Regulations 1996”, substitute “Article 2(2)(f) of Regulation (EU) No 1169/2011”;
 - (ii) in the definition of “labelling”, for “the Food Labelling Regulations 1996”, substitute “Article 2(2)(j) of Regulation (EU) No 1169/2011”;
 - (iii) omit the definition of “the labelling regulations”; and
 - (iv) insert the following definition in its alphabetical place—

““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; and”;
- (b) omit regulation 5(3).

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

The Coffee Extracts and Chicory Extracts (England) Regulations 2000

4. The Coffee Extracts and Chicory Extracts (England) Regulations 2000 are amended as follows—

- (a) in regulation 2(1)—
 - (i) omit the definition of “the 1996 Regulations”; and
 - (ii) insert the following definition in its alphabetical place—

““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;”;
- (b) in regulation 5(1)—
 - (i) in the introductory wording, for “the 1996 Regulations”, substitute “Regulation (EU) No 1169/2011”;
 - (ii) in subparagraph (a), for “regulation 6(1) of the 1996 Regulations”, substitute “Article 17 of Regulation (EU) No 1169/2011”; and
 - (iii) in subparagraph (c), for “the 1996 Regulations”, substitute “Article 17 of Regulation (EU) No 1169/2011”; and
- (c) omit regulation 6.

The Food Supplements (England) Regulations 2003

5. The Food Supplements (England) Regulations 2003(a) are amended as follows—

- (a) in regulation 2(1)—
 - (i) omit the definition of “Directive 90/496”; and
 - (ii) insert the following definition in its place—

““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;”;
- (b) in regulation 6(2), for “the Food Labelling Regulations 1996”, substitute “Regulation (EU) No 1169/2011”;
- (c) in regulation 6(3)(e), for “the Annex to Directive 90/496”, substitute “Annex XIII to Regulation (EU) No 1169/2011”; and
- (d) in regulation 7(1), for “regulation 5(a), (c) and (e) of the Food Labelling Regulations 1996”, substitute “Article 9(1)(a), (f), (g) and (h) of Regulation (EU) No 1169/2011”.

The Specified Sugar Products (England) Regulations 2003

6. The Specified Sugar Products (England) Regulations 2003 are amended as follows—

- (a) in regulation 2, omit the definition of “the 1996 Regulations”;

(a) S.I. 2003/1387, amended by S.I. 2009/3251 and to which there are other amendments not relevant to these Regulations.

- (b) in regulation 5, 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”; and
- (c) omit regulation 6.

The Cocoa and Chocolate Products (England) Regulations 2003

7. The Cocoa and Chocolate Products (England) Regulations 2003 are amended as follows—

- (a) in regulation 2(1)—
 - (i) omit the definition of “the 1996 Regulations”; and
 - (ii) insert the following definition in its alphabetical place—

““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;”;
- (b) in regulation 6—
 - (i) in paragraph (1), for “Part II of the 1996 Regulations”, substitute “Regulation (EU) No 1169/2011”; and
 - (ii) in paragraph (2)(b), for “the 1996 Regulations”, substitute “Article 9(1)(b) of Regulation (EU) No 1169/2011”; and
- (c) omit regulation 7(1).

The Honey (England) Regulations 2003

8. The Honey (England) Regulations 2003(a) are amended as follows—

- (a) in regulation 4(1), 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”; and
- (b) omit regulation 6.

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

9. In regulation 8(1) of the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (England) Regulations 2003(b), 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

10. In the definition of “liquid medium” in article 1(2) of the Price Marking Order 2004(c), for “paragraph 4 of Article 8 of Directive 2000/13/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs”, substitute “the second subparagraph of point 5 of Annex IX to

(a) S.I. 2003/2243, to which there are amendments not relevant to these Regulations.
(b) S.I. 2003/3207, to which there are amendments not relevant to these Regulations.
(c) S.I. 2004/102, to which there are amendments not relevant to these Regulations.

Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”.

The Food Hygiene (England) Regulations 2006

11. The definition of “shelf life” in paragraph 8 of Schedule 4 to the Food Hygiene (England) Regulations 2006 is amended as follows—

- (a) in subparagraph (a), for “regulation 20 of the Food Labelling Regulations 1996 (form of indication of minimum durability)”, substitute “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, and point 1 of Annex X to, that Regulation”; and
- (b) in subparagraph (b), for “regulation 21 of the Food Labelling Regulations 1996 (form of indication of “use by” date)” substitute “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, and point 2 of Annex X to, that Regulation”.

The Quick-frozen Foodstuffs (England) Regulations 2007

12. The Quick-frozen Foodstuffs (England) Regulations 2007(a) are amended as follows—

- (a) in regulation 2(1)—
 - (i) omit the definition of “catering establishment”;
 - (ii) insert the following definition in its alphabetical place—

““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;”;
 - (iii) 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
 - (iv) substitute the definition of “ultimate consumer” with the following definition—

““ultimate consumer” has the same meaning as “final consumer” in point 18 of Article 3 of Regulation (EC) No 178/2002.”; and
- (b) in regulation 5(1) and (3), for “catering establishment”, substitute “mass caterer”.

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

13. In the Addition of Vitamins, Minerals and Other Substances (England) Regulations 2007, in regulation 4(2), for subparagraph (e)(b), substitute—

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

The Nutrition and Health Claims (England) Regulations 2007

14. In the Nutrition and Health Claims (England) Regulations 2007, in regulation 5(2), for subparagraph (d)(d), substitute—

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- (a) S.I. 2007/191.
 - (b) S.I. 2007/1631, amended, in the case of regulation 4(2)(e), by paragraph 3 of Part I of Schedule 5 to these Regulations.
 - (c) Article 7(3) of Regulation (EC) No 1925/2006 is amended by Article 50 of Regulation (EU) No 1169/2011.
 - (d) S.I. 2007/2080, amended, in the case of regulation 5(2)(d), by paragraph 4 of Part I of Schedule 5 to these Regulations.

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

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

15. In the Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007(b), in regulation 2(1), for the definition of “meat”, substitute the following definition—

““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);”(c).

The Spirit Drinks Regulations 2008

16. In Part 2 of Schedule 2 to the Spirit Drinks Regulations 2008(d), in the second column of the entry relating to Article 9(9) of Regulation (EC) No 110/2008(e) of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks, for the words beginning with “Directive 2000/13/EC” and ending with “food enzymes”(f) 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

17. The Eggs and Chicks (England) Regulations 2009(g) are amended as follows—

(a) in regulation 3(1)—

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

(ii) insert the following definition in its alphabetical place—

““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; and”; and

(b) in Part 2 of Schedule 2—

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

(ii) in the second column of the entry relating to Article 6(3), for “Article 9(2) of Directive 2000/13/EC”, substitute “point 1(a) of Annex X to Regulation (EU) No 1169/2011”; and

(iii) in the second column of the entry relating to Article 13, for “Article 3(1)(5) of Directive 2000/13/EC”, substitute “Article 9(1)(f) of Regulation (EU) No 1169/2011”.

(a) Article 7 of Regulation (EC) No 1924/2006 is amended by Article 49 of Regulation (EU) No 1169/2011.

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

(c) OJ No L 139, 30.4.2004, p 55, last amended by Commission Regulation (EU) No 16/2012 (OJ No L 8, 12.1.2012, p 29).

(d) S.I. 2008/3206, as amended by S.I. 2009/3235.

(e) OJ No L 39, 13.2.2008, p 16, last amended by Commission Regulation (EU) No 164/2012 (OJ No L 53, 25.2.2012, p 1).

(f) OJ No L 354, 31.12.2008, p 7, last amended by Regulation (EU) No 1169/2011.

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

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) (“FIR”).

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).

The Regulations contain a derogation relating to milk or milk products presented in a glass bottle intended for reuse (regulation 3) and a derogation relating to minced meat that does not comply with the requirements laid down in FIR (regulation 4 and Schedule 1).

The Regulations regulate the way in which information relating to an allergenic substance or product in a non-prepacked food can be given (regulation 5). Regulation 1(10) provides that regulation 5 ceases to have effect on 13th December 2021.

The Regulations impose a requirement for irradiation information to be provided when irradiated food products and food products containing an irradiated ingredient are sold in bulk and when irradiated ingredients are used in certain food products that are prepacked (regulation 6).

The Regulations impose an obligation on food authorities and port health authorities to enforce the Regulations (regulation 7). They make it an offence to fail to comply with specified provisions of FIR and the allergens related requirement in regulation 5(5) (regulation 8). They provide for the punishment of that offence (regulation 9).

The Regulations apply certain provisions of the Food Safety Act 1990 (1990 c.16), with modifications (regulation 10 and Schedule 2). This includes the application (with modifications) of section 10(1), enabling an improvement notice to be served to require compliance with specified provisions of FIR and specified provisions of regulations 5 and 6. The provisions, as applied, make the failure to comply with an improvement notice an offence.

The Regulations revoke and replace the Food Labelling Regulations 1996 (S.I. 1996/1499), as amended, with effect from 13th December 2014 so far as those Regulations apply to England (regulation 11 and Schedule 4). They revoke other relevant legislation. Except in some cases, the revocations have the same territorial extent and application as the legislation being revoked.

The Regulations amend the Food Labelling Regulations 1996, so far as those Regulations apply to England, during the period before those Regulations are revoked (regulation 12 and Schedule 5). They make amendments to other legislation to take account of the repeal and replacement of the relevant EU legislation and the revocation of the Food Labelling Regulations 1996. Except in some cases, the amendments have the same territorial extent and application as the legislation being amended.

The Regulations 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).

The Regulations require the Secretary of State to review the operation and effect of these Regulations from time to time and to publish a report within five years beginning on 13th December 2014 and within every five years after that (regulation 13).

Following the first review it will fall to the Secretary of State to consider whether regulation 5 and regulation 10, so far as it relates to regulation 5, should be allowed to expire as regulation 1(10) provides, be revoked early, or to continue in force with or without amendment. A further instrument would be needed to continue regulation 5 and regulation 10, so far as it relates to regulation 5, in force with or without amendments 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.