



STATUTORY INSTRUMENTS.

**S.I. No. 381 of 2013**

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EUROPEAN COMMUNITIES (LABELLING, PRESENTATION AND  
ADVERTISING OF FOODSTUFFS) (AMENDMENT) REGULATIONS  
2013

EUROPEAN COMMUNITIES (LABELLING, PRESENTATION AND  
ADVERTISING OF FOODSTUFFS) (AMENDMENT) REGULATIONS  
2013

I, JAMES REILLY, Minister for Health, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Council Directive 2013/20/EU of 13 May 2013<sup>1</sup> (in so far as that Directive relates to the labelling, presentation and advertising of foodstuffs) and for the purpose of giving further effect to Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000<sup>2</sup>, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2013.

2. In these Regulations—

“Principal Regulations” means the the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations 2002 (S.I. No. 483 of 2002);

“Regulations of 2009” means the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2009 (S.I. No. 61 of 2009).

3. Regulation 2(1) (as amended by Regulation 3 of the Regulations of 2009) of the Principal Regulations is amended—

(a) in the definition of “Directive” by inserting after “27 November 2007” the following:

“and by Council Directive 2013/20/EU of 13 May 2013<sup>1</sup>”, and

(b) in the definition of “Directives” by inserting after “27 November 2007” the following:

“and by Council Directive 2013/20/EU of 13 May 2013<sup>1</sup>”.

4. Regulation 19 (as amended by Regulation 3 of the Regulations of 2009) of the Principal Regulations is amended—

(a) by substituting for paragraph (2) the following paragraph:

“(2) A person guilty of an offence under these Regulations is liable:-

<sup>1</sup>OJ No. L. 158, 10.6.2013, p. 234.

<sup>2</sup>OJ No. L. 109, 6.5.2000, p. 29.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 11th October, 2013.*

- (a) on summary conviction, to a class A fine or at the discretion of the court to imprisonment for a term not exceeding 6 months, or both, or
- (b) on conviction on indictment, to a fine not exceeding €500,000, or imprisonment for a term not exceeding 3 years or both.”, and

(b) by inserting after paragraph (2) the following paragraphs:

“(3) Where a person is convicted of an offence under these Regulations, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Authority or the official agency, as the case may be, the costs and expenses, measured by the court, incurred by the Authority or official agency in relation to the investigation, detection and prosecution of the offence, including costs and expenses incurred in the taking of samples, the carrying out of tests, examinations and analyses and in respect of the remuneration and other expenses of employees, consultants and advisors engaged by the Authority or official agency.

(4) An order for costs and expenses under paragraph (3) is in addition to, and not instead of, any fine or penalty the court may impose under paragraph (2).”.



GIVEN under my Official Seal,  
8 October 2013.

JAMES REILLY,  
Minister for Health.

## EXPLANATORY NOTE

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

These Regulations transpose into Irish Law Council Directive 2013/20/EU of 13 May 2013 (in so far as that Directive relates to the labelling, presentation and advertising of foodstuffs) adapting certain directives in the field of food safety, veterinary and phytosanitary policy, by reason of the accession of the Republic of Croatia.

These Regulations amend the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations 2002 (S.I. No. 483 of 2002) in the manner specified in these Regulations, particularly with regard to the extended list of names under which irradiated foods may be sold. These Regulations also provide for the conviction on indictment of a person guilty of an offence under these Regulations and the recovery of costs from the defendant in the event of a successful prosecution, in addition to any fine or penalty imposed.

These Regulations may be cited as the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2013.

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