



FOOD INFORMATION (AMENDMENT) REGULATIONS 2021

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Statutory Document No. 2021/0088



European Union and Trade Act 2019

FOOD INFORMATION (AMENDMENT) REGULATIONS 2021

Approved by Tynwald: 20 April 2021
Coming into Operation: in accordance with regulation 2

The Council of Ministers makes the following Regulations under section 17¹ of the European Union and Trade Act 2019 after consultation as required by Article 9² of Regulation (EC) No 178/2002 of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety³.

1 Title

These Regulations are the Food Information (Amendment) Regulations 2021.

2 Commencement

- (1) If approved by Tynwald⁴, except as provided for in paragraph (2), these Regulations come into operation on 31 May 2021.
- (2) Regulation 3(2) and Schedule 2 come into operation on 1 October 2021.

3 Food Information Regulations 2014 amended

- (1) The Food Information Regulations 2014⁵ are amended in accordance with Schedule 1.

¹ Sections 6(1) and (2) of the European Union and Trade Act 2019 provide that any statutory document made under section 2A or 2B of the European Communities (Isle of Man) Act 1973, as it has effect immediately before IP completion day, continues to have effect in Manx law on and after IP completion day as if made as regulations under section 17 (application and implementation of EU instruments and law).

² There shall be open and transparent public consultation, directly or through representative bodies, during the preparation, evaluation and revision of food law, except where the urgency of the matter does not allow it.

³ Paragraph 54(2) of SD 2019/0037, as amended.

⁴ Tynwald approval is required under section 17(1) of the European Union and Trade Act 2019.

⁵ SD 2014/0377, as amended by SD 2019/0363 and SD 2019/0374.

- (2) The Food Information Regulations 2014 are further amended in accordance with Schedule 2.

MADE 31 MARCH 2021

W GREENHOW
Chief Secretary

SCHEDULE 1

[Regulation 3(1)]

FOOD INFORMATION REGULATIONS 2014 AMENDED**1 Food Information Regulations 2014 amended**

The Food Information Regulations 2014 are amended as follows.

2 Regulation 7 amended

In regulation 7 (foods that are not pre-packed etc. – general requirement to name them), in paragraph (1)(b)(ii), for “4” substitute **5**.

3 Regulation 13 amended

- (1) Regulation 13 (application of provisions of the Act) is amended as follows.
- (2) In sub-paragraph (1)(a) –
 - (a) in paragraph (ii), for “5(3)” substitute **6(3)**;
 - (b) in paragraph (iii), for “6(1)” substitute **7(1)**;
 - (c) in paragraph (iv), for “7(1)” substitute **8(1)**; and
 - (d) in paragraph (v), for “8(1)” substitute **9(1)**.
- (3) In paragraph (4), for “Part 4” substitute **Part 3**.
- (4) In paragraph (5), for “Part 5” substitute **Part 4**.

4 Schedule 4 amended

- (1) Schedule 4 (application and modification of provisions of the Act) is amended as follows.
- (2) In Part 1 (modification of section 8(1)), in paragraph 1, in the modified section 8(1A), in paragraphs (b) and (c), for “2(3)” substitute **3(3)**.
- (3) In Part 4 (application and modification of provisions of the Act), in column 2 of the table –
 - (a) in the modification of section 31, for “12(1)” substitute **13(1)**;
 - (b) in the modification of section 32(1) and (5) –
 - (i) for “12(1)” substitute **13(1)**; and
 - (ii) for “10” substitute **11**;
 - (c) in the modification of section 33 –
 - (i) for “provisions” substitute **provision**; and
 - (ii) for “10” substitute **11**;

- (d) in the modification of section 23, for “12(2)” substitute **“13(2)”**;
- (e) in the modification of section 29(1) and (2) —
 - (i) for “12(5)” (wherever occurring) substitute **“13(5)”**;
 - (ii) for “12(1)” substitute **“13(1)”**; and
 - (iii) for “Part 5” (wherever occurring) substitute **“Part 4”**; and
- (f) in the modification of section 30 —
 - (i) for “12(1)” substitute **“13(1)”**; and
 - (ii) for “10” substitute **“11”**.

5 Schedule 5 amended

- (1) Schedule 5 (improvement notices – specified FIC provisions) is amended as follows.
- (2) In Part 1, in the table —
 - (a) in the heading to the table —
 - (i) as the heading to column 1, insert **“No.”**; and
 - (ii) in the heading to column 3, for “FIR”, substitute **“FIC”**; and
 - (b) in the third column, for entry 27 substitute **“Articles 1(3) and 6, the first subparagraph of Article 54(1) and, in relation to honey, point 4(b) of Article 2 of Council Directive 2001/110/EC”**; and
 - (c) in the third column, in entry 40, for “7” substitute **“6”**.
- (3) After Part 2, insert —

“PART 3

FIC PROVISIONS CONCERNING PRIMARY INGREDIENT COUNTRY OF ORIGIN/PLACE OF PROVENANCE

Provision of FIC	Provisions to be read with the provision of FIC
Article 26(3) (requirement for a mandatory indication relating to the country of origin or place of provenance of the primary ingredient in certain cases)	Articles 1(3) and 6 of FIC and Articles 2 and 3 of Commission Implementing Regulation (EU) No 2018/775 ⁶ as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food. “” .

⁶ Paragraph 44(4) of SD 2019/0037, as amended.



6 Schedule 6 amended

In Schedule 6 (application and modification of provisions of the Weights and Measures Act 1989), in the reference to the authorising provision relevant to the Schedule, for “15” substitute ~~14~~ 14 ~~15~~.

SCHEDULE 2

[Regulation 3(2)]

FOOD INFORMATION REGULATIONS 2014 FURTHER AMENDED

1 Food Information Regulations 2014 further amended

The Food Information Regulations 2014 are further amended as follows.

2 Regulation 2 omitted

Omit regulation 2(4) (commencement).

3 Regulation 6 amended

In regulation 6 (foods that are not pre-packed etc. containing an allergenic substance or product etc.), in paragraph (2) —

- (a) in sub-paragraph (a), after “pre-packed;”, insert **6A** or **6B**;
- (b) in sub-paragraph (b), omit “or”; and
- (c) omit sub-paragraph (c).

4 Regulation 6A inserted

After regulation 6 insert —

6A Foods that are pre-packed for direct sale — duty to list ingredients

- (1) A food business operator who offers for sale a food to which this regulation applies must provide directly on the package or on a label attached to the package the particulars required by —
 - (a) Article 9(1)(b) (list of ingredients), as read with —
 - (i) Article 13(1) to (3), as read with any delegated acts made under Article 13(4);
 - (ii) Article 15;
 - (iii) Article 16(2), so far as it relates to the particulars required by Article 9(1)(b);
 - (iv) Article 17, as read with Parts A and C of Annex 6 and, in the case of an ingredient using a minced meat designation as a name, the following points of Part B of Annex 6 —
 - (A) point 1; and
 - (B) point 3, as read with regulation 5 and Schedule 2;

- (v) Article 18, as read with Annex 7 and paragraph (1)(a)(iv) of this regulation;
- (vi) Article 19(1), as read with any delegated acts made under Article 19(2); and
- (vii) Article 20;
- (b) Article 9(1)(c) (labelling of certain substances or products causing allergies or intolerances), as read with Article 21(1) and Annex 2.
- (2) This regulation applies to a food that –
 - (a) is offered for sale to a final consumer or to a mass caterer otherwise than by means of distance communication; and
 - (b) is pre-packed for direct sale. **22**.

5 Regulation 7 amended

In regulation 7 (foods that are not pre-packed etc. – general requirement to name them), in paragraph (2) –

- (a) in sub-paragraph (a), after “pre-packed,”, insert **23** or **22**;
- (b) in sub-paragraph (b), omit “or”; and
- (c) omit sub-paragraph (c).

6 Regulation 7A inserted

After regulation 7 insert –

23 7A Foods that are pre-packed for direct sale – general requirement to name them

- (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);
 - (b) Part A of Annex 6; and
 - (c) in the case of a food offered for sale using a minced meat designation as a name –
 - (i) Article 17(5);
 - (ii) point 1 of Part B of Annex 6; and
 - (iii) point 3 of Part B of Annex 6, as read with regulation 5 and Schedule 2.
- (2) This regulation applies to a food that –
 - (a) is offered for sale to a final consumer or to a mass caterer; and

- (b) is pre-packed for direct sale.
- (3) The particulars in paragraph (1) must be provided directly on the package or on a label attached to the package, except in the case of an offer for sale made by means of distance communication. **22**.

7 Regulation 11 amended

In regulation 11(1) (offence) —

- (a) in sub-paragraph (a), omit “or”;
- (b) in sub-paragraph (b), after “6(5)” insert **23**; or **22**; and
- (c) after sub-paragraph (b) insert —
 - 23**(c) regulation 6A(1)(b). **22**.

8 Regulation 13 amended

In regulation 13 (application of provisions of the Act), in paragraph (1)(a) —

- (a) after paragraph (ii) insert —
 - 23**(iia) regulation 6A(1); **22**; and
- (b) after paragraph (iii) insert —
 - 23**(iia) regulation 7A(1) or (3); **22**.

9 Schedule 1 amended

In Schedule 1 (provisions of these Regulations that contain ambulatory references to FIC by virtue of regulation 3(3)) —

- (a) after “Regulation 6(1), (3), (5) and (6)”, in a new line, insert —
 - 23**Regulation 6A(1) **22**; and
- (b) after “Regulation 7(1)”, in a new line, insert —
 - 23**Regulation 7A(1) **22**.

10 Schedule 4 amended

In Schedule 4 (application and modification of provisions of the Act) in Part 1, in paragraph 1 (modification of section 8(1)), in the modified section 8(1A)(d) —

- (a) after sub-paragraph (i) insert —
 - 23**(ia) regulation 6A(1); **22**; and
- (b) after sub-paragraph (ii) insert —
 - 23**(iia) regulation 7A(1) or (3); **22**.

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations amend Schedule 5 to the Food Information Regulations 2014 [SD 2014/0377] (“the 2014 Regulations”) to make provision to enforce Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers⁷ (“Article 26(3)”) as read with Commission Implementing Regulation (EU) 2018/775 of 28 May 2018 laying down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food⁸ (“the Commission Regulation”).

Schedule 1 to these Regulations amends Schedule 5 to the 2014 Regulations to insert a reference to Article 26(3) and the Commission Regulation. The effect of this is that regulation 13 of the 2014 Regulations applies certain provisions of the Food Act 1996 in relation to those provisions. This includes the application (with modifications) of section 8(1) of that Act, which enables an improvement notice to be served requiring compliance with Article 26(3) as read with the Commission Regulation. Section 8(2) of that Act, as so applied, makes the failure to comply with an improvement notice an offence.

Schedule 2 to these Regulations inserts a new regulation 6A into the 2014 Regulations. This provides that food that is pre-packed for direct sale, whether supplied to a final consumer or to a mass caterer, must have a list of ingredients provided directly on the package or on a label attached to the package. There is an exemption for packaging or containers the largest surface of which has an area of less than 10cm². There is also an exemption where an offer for sale is made by means of distance communication.

Schedule 2 also inserts a new regulation 7A into the 2014 Regulations. This provides that food that is pre-packed for direct sale, whether supplied to a final consumer or to a mass caterer, must have the name of the food provided directly on the package or on a label attached to the package. There is an exemption where an offer for sale is made by means of distance communication.

Other provisions in Schedule 2 make amendments in consequence of new regulations 6A and 7A of the 2014 Regulations.

Schedules 1 and 2 also correct a number of typographical errors in the 2014 Regulations.

The sunset clause in regulation 2(4) of the 2014 Regulations is also removed.

⁷ Paragraph 44(1) of SD 2019/0037, as amended.

⁸ Paragraph 44(4) of SD 2019/0037, as amended.