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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 220**

The Food Additives, Flavourings, Enzymes and  
Extraction Solvents Regulations (Northern Ireland) 2013

PART 2

Food additives, flavourings and enzymes

**Offence of contravening EU requirements on food additives**

3. Any person who contravenes, or who uses or places on the market a product that fails to comply with, any of the provisions of Regulation 1333/2008 specified in the first column of Table 1 of Schedule 1, as read with transitional measures contained in or to be read with that Regulation, commits an offence.

**Offence of contravening EU requirements on flavourings, including smoke flavourings**

4. Any person who contravenes, or who uses or places on the market a product which fails to comply with, any of the provisions of Regulation 1334/2008 specified in the first column of Table 1 of Schedule 2, as read with Article 4 (flavouring substances under evaluation) of Commission Implementing Regulation (EU) No 872/2012 adopting the list of flavouring substances provided for by Regulation (EC) No 2232/96 of the European Parliament and of the Council<sup>(1)</sup> and with transitional measures contained in or to be read with Regulation 1334/2008, commits an offence.

5. Any person who contravenes, or who uses or places on the market a product which fails to comply with, any of the provisions of Regulation 2065/2003 specified in the first column of Table 1 of Schedule 3, as read with Article 20 (transitional measures), commits an offence.

**Offence of contravening EU requirements on food enzymes**

6. Any person who contravenes, or who uses or places on the market a product which fails to comply with, any of the provisions of Regulation 1332/2008 specified in the first column of Table 1 of Schedule 4, as read with Articles 18 and 24 (transitional measures), commits an offence.

**Improvement notice – application of Article 9 of the Order**

7.—(1) Article 9 of the Order (improvement notices) applies for the purposes of these Regulations with the following modifications.

(2) For paragraph (1), substitute—

“(1) If an authorised officer has reasonable grounds for believing that a person is failing to comply with a provision of the Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013 specified in paragraph (1A), the authorised officer may, by a notice served on that person (an “improvement notice”)—

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(1) OJ No. L267, 2.10.2012, p.1

- (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) Regulation 13(2); and
  - (b) any EU provision specified in the first column of Table 2 of Schedule 1, 2, 3 or 4."
- (3) Omit paragraph (3).

### **Appeals against an improvement notice**

8.—(1) Article 37 of the Order applies for the purposes of these Regulations as modified by paragraphs (2) and (3).

(2) For paragraph (1) substitute—

“(1) Any person who is aggrieved by a decision of an authorised officer to serve an improvement notice under Article 9(1) as applied and modified by regulation 7 of the Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013 may appeal to a court of summary jurisdiction”.

(3) In paragraph (2A)(b) for “(1)(a)” substitute “(1) as applied by regulation 8 of the Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013;”.

(4) Article 38 of the Order applies for the purposes of these Regulations with the modification that in paragraph (1) and (2) “as applied by regulation 7 of the Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013” is inserted after “improvement notice”.