

## SCHEDULE 7

### Consequential and other minor amendments to statutory instruments

## PART 2

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

#### **The Food Labelling Regulations 1996**

10. The Food Labelling Regulations 1996(1) are amended as follows.
11. In regulation 2(1) (interpretation), for the definition of “ingredient” substitute—

““ingredient” has the meaning given in Article 2(2)(e) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as amended from time to time;”.
12. In regulation 3 (exemptions), for paragraph (1) substitute—

“(1) This regulation does not apply to a food that is brought into England from another part of the United Kingdom, an EEA State (other than the United Kingdom), a member State (other than the United Kingdom) or from the Republic of Turkey in which it was lawfully produced or marketed.”.
13. In Schedule 8 (misleading descriptions), Part I—
  - (a) in the second column of entry relating to the description “alcohol-free”, for subparagraph (b) substitute—

“(b) the drink is marked or labelled with—

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

“(b) the drink is marked or labelled with—

    - (i) an indication of its maximum alcoholic strength in required form 1, 2 or 3, or
    - (ii) in an appropriate case, an indication that it contains no alcohol.”; and
  - (c) in the second column of entry relating to the description “low alcohol” (or any other word or description which implies that the drink being described is low in alcohol), for subparagraph (b) substitute—

“(b) an indication of its maximum alcoholic strength in required form 1, 2 or 3.”.

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(1) [S.I. 1996/1499](#), relevant amending instruments are [S.I. 1998/1398](#), [1999/747](#), [2011/1043](#). [S.I. 1996/1499](#) is partially revoked on 13th December 2014 by entry 1 of the table in Part 1 of Schedule 6 to these Regulations.

**The Food (Lot Marking) Regulations 1996**

14. The Food (Lot Marking) Regulations 1996(2) are amended as follows.

15. For regulation 2 (interpretation) substitute—

“2. In these Regulations—

“the Act” means the Food Safety Act 1990;

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

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

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

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

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

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

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

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

“Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004;

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

“ultimate consumer” has the same meaning as “final consumer” in point 18 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(3);

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

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

(a) in subparagraph (e), for “edible ice” substitute “ice cream”; and

(b) in subparagraph (g)—

(i) for “an indication of minimum durability” substitute “the date of minimum durability”; and

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

(3) 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).

- (ii) for “the Food Labelling Regulations require” substitute “Regulation (EU) No 1169/2011 requires”.

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

**17.** The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997(4) are amended as follows.

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

### **The Bread and Flour Regulations 1998**

**19.** The Bread and Flour Regulations 1998(5) are amended as follows.

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

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

““Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004;”.

### **The Coffee Extracts and Chicory Extracts (England) Regulations 2000**

**21.** The Coffee Extracts and Chicory Extracts (England) Regulations 2000(6) are amended as follows.

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

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

““Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission

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

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

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

Directives [2002/67/EC](#) and [2008/5/EC](#) and Commission Regulation (EC) No [608/2004](#).”.

23. In regulation 5(1) (labelling and description of designated products)—
- (a) in the introductory wording, for “the 1996 Regulations” substitute “Regulation (EU) No 1169/2011”;
  - (b) in subparagraph (a), for “regulation 6(1) of the 1996 Regulations” substitute “Article 17 of Regulation (EU) No 1169/2011”; and
  - (c) in subparagraph (c), for “the 1996 Regulations” substitute “Article 17 of Regulation (EU) No 1169/2011”.

### **The Food Supplements (England) Regulations 2003**

24. The Food Supplements (England) Regulations 2003(7) are amended as follows.

25. In regulation 2(1) (interpretation)—
- (a) omit the definition of “Directive 90/496(8)”;
  - (b) after the definition of “preparation”, insert—
 

““Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations [\(EC\) No 1924/2006](#) and [\(EC\) No 1925/2006](#) of the European Parliament and of the Council, and repealing Commission Directive [87/250/EEC](#), Council Directive [90/496/EEC](#), Commission Directive [1999/10/EC](#), Directive [2000/13/EC](#) of the European Parliament and of the Council, Commission Directives [2002/67/EC](#) and [2008/5/EC](#) and Commission Regulation (EC) No [608/2004](#).”.
26. In regulation 6 (restrictions on sale relating to labelling etc. of food supplements)—
- (a) in paragraph (2), for “the Food Labelling Regulations 1996” substitute “Regulation (EU) No 1169/2011”; and
  - (b) in paragraph (3)(e)—
    - (i) for “the Annex to Directive 90/496” substitute “point 1 of Part A of Annex XIII to Regulation (EU) No 1169/2011”; and
    - (ii) for “relevant recommended daily allowance specified in that Annex” substitute “relevant reference value specified in that point”.
27. In regulation 7(1) (manner of marking or labelling), for “regulation 5(a), (c) and (e) of the Food Labelling Regulations 1996” substitute “points (a), (f), (g) and (h) of Article 9(1) Regulation (EU) No 1169/2011”.

### **The Specified Sugar Products (England) Regulations 2003**

28. The Specified Sugar Products (England) Regulations 2003(9) are amended as follows.
29. In regulation 2 (interpretation), omit the definition of “the 1996 Regulations”.
30. In regulation 5 (labelling and description of specified sugar products), for “Part II of the 1996 Regulations” substitute “Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”.

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

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

(9) [S.I. 2003/1563](#), to which there are amendments not relevant to these Regulations.

### **The Cocoa and Chocolate Products (England) Regulations 2003**

**31.** The Cocoa and Chocolate Products (England) Regulations 2003<sup>(10)</sup> are amended as follows.

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

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

““Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004<sup>(11)</sup>”.

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

- “(b) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is only an ingredient of that food;
- (c) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not and does not contain a designated product; or
- (d) the use of such description, derivative or word to designate the food is in accordance with the customs applicable in the United Kingdom and the food cannot be confused with a product listed in column 1 of Schedule 1.”.

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

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

### **The Honey (England) Regulations 2003**

**35.** The Honey (England) Regulations 2003<sup>(12)</sup> are amended as follows.

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

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

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

“Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of

<sup>(10)</sup> S.I. 2003/1659, to which there are amendments not relevant to these Regulations.

<sup>(11)</sup> OJ No L 304, 22.11.2011, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p 7).

<sup>(12)</sup> S.I. 2003/2243, to which there are amendments not relevant to these Regulations.

the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004;”.

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

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

38. The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (England) Regulations 2003(13) are amended as follows.

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

### **The Price Marking Order 2004**

40. The Price Marking Order 2004(14) is amended as follows.

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

### **The Quick-frozen Foodstuffs (England) Regulations 2007**

42. The Quick-frozen Foodstuffs (England) Regulations 2007(15) are amended as follows.

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

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

““mass caterer” has the meaning given by Article 2(2)(d) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers;”;
- (d) in the definition of “prepackaging”, for “the Food Labelling Regulations 1996” substitute “Article 2(2)(e) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”; and
- (e) for the definition of “ultimate consumer” substitute—
 

““ultimate consumer” has the same meaning as “final consumer” in point 18 of Article 3 of Regulation 178/2002.”.

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

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

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

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

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

45. The Addition of Vitamins, Minerals and Other Substances (England) Regulations 2007(16) are amended as follows.

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

“(e) Article 7(1), (2) and (3)(17) (restrictions and conditions applying to labelling, presentation and advertising of foods to which vitamins or minerals have been added).”.

### **The Nutrition and Health Claims (England) Regulations 2007**

47. The Nutrition and Health Claims (England) Regulations 2007(18) are amended as follows.

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

“(d) Article 7(19) (requirements for nutrition information);”.

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

49. The Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007(20) are amended as follows.

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

““meat” means the skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue but does not include mechanically separated meat (which has the meaning given in point 1.14 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin)(21);”.

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

51. The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007(22) are amended as follows.

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

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

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

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

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

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

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

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

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



**The Spirit Drinks Regulations 2008**

53. The Spirit Drinks Regulations 2008(23) are amended as follows.

54. In Part 2 of Schedule 2 (provisions of Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks(24) contravention of which is an offence), in the second column of the entry in the table relating to Article 9(9) of Regulation (EC) No 110/2008 of the European Parliament and of the Council, for “Directive 2000/13/EC(25)” until “food enzymes” substitute “Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”.

**The Eggs and Chicks (England) Regulations 2009**

55. The Eggs and Chicks (England) Regulations 2009(26) are amended as follows.

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

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

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

““Regulation (EC) No 2160/2003” means Regulation (EC) No 2160/2003 of the European Parliament and of the Council on the control of salmonella and other specified food-borne zoonotic agents(27);

“Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004;”.

57. In Part 2 of Schedule 2 (provisions of Commission Regulation (EC) No 589/2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs(28) contravention of which is an offence)—

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

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

(c) in the second column of the entry in the table relating to Article 13 of Commission Regulation (EC) No 589/2008, for “Article 3(1)(5) of Directive 2000/13/EC” substitute “Article 9(1)(f) of Regulation (EU) No 1169/2011”.

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

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

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

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

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

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



### **The Food Safety and Hygiene (England) Regulations 2013**

**58.** The Food Safety and Hygiene (England) Regulations 2013<sup>(29)</sup> are amended as follows.

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

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

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<sup>(29)</sup> S.I. 2013/2996.