



STATUTORY INSTRUMENTS.

S.I. No. 243 of 2021

EUROPEAN UNION (NUTRITION AND HEALTH CLAIMS MADE ON
FOODS) (AMENDMENT) REGULATIONS 2021

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I, STEPHEN DONNELLY, 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 Commission Regulation (EU) 2019/343 of 28 February 2019¹, hereby make the following regulations:

1. (1) These Regulations may be cited as the European Union (Nutrition and Health Claims made on Foods) (Amendment) Regulations 2021.

(2) The Principal Regulations, the European Union (Nutrition and Health Claims made on Foods) (Amendment) Regulations 2015 (S.I. No. 458 of 2015), the European Union (Nutrition and Health Claims made on Foods) (Amendment) Regulations 2017 (S.I. No. 154 of 2017), the European Union (Nutrition and Health Claims made on Foods) (Amendment) Regulations (S.I. No. 176 of 2018) and these Regulations may be cited together as the European Union (Nutrition and Health Claims made on Foods) Regulations 2014 to 2021.

2. In these Regulations “Principal Regulations” means European Union (Nutrition and Health Claims made on Foods) Regulations 2014 (S.I. No. 11 of 2014).

3. Regulation 2(1) of the Principal Regulations is amended by inserting after the definition of “EC Regulation 1924/2006” the following definition:

“EU Regulation 2019/343” means Commission Regulation (EU) 2019/343 of 28 February 2019¹;”.

4. Regulation 12 of the Principal Regulations is amended—

(a) in paragraph 1, by substituting “Subject to paragraphs (2) and (2A)” for “Subject to paragraph (2)”, and

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

“(2A) Paragraph (1) shall not apply to the term “tonic”, it being subject to a valid exemption from the application of Article 1(3) of EC Regulation 1924/2006, under Article 1 of EU Regulation 2019/343 and the conditions laid down in the Annex thereto”.

¹ OJ No. L 62, 1.3.2019, p. 1.

L.S.

GIVEN under my Official Seal,
13 May, 2021.

STEPHEN DONNELLY,
Minister for Health.

EXPLANATORY NOTE

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

These Regulations give effect to Commission Regulation (EU) 2019/343 of 28 February 2020, adopted under Article 1(4) of EC Regulation 1924/2006. Article 1 of Commission Regulation (EU) 2019/343 exempted the generic descriptors listed in its Annex from the application of Article 1(3) of EC Regulation 1924/2006, subject to the conditions laid down in that Annex. In particular, each exemption is only valid in the Member States specified in the Annex. The term “tonic” is the only term which is subject to a valid exemption in Ireland under Article 1 of Commission Regulation (EU) 2019/343 and the conditions laid down in the Annex thereto.

These Regulations amend the European Union (Nutrition and Health Claims made on Foods) Regulations 2014 (S.I. No. 11 of 2014) in the manner specified in these Regulations.

These Regulations may be cited as the European Union (Nutrition and Health Claims made on Foods) (Amendment) Regulations 2021.

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