
STATUTORY INSTRUMENTS

1999 No. 1513

FOOD

The Olive Oil (Designations of Origin) Regulations 1999

<i>Made</i>	- - - -	<i>27th May 1999</i>
<i>Laid before Parliament</i>		<i>3rd June 1999</i>
<i>Coming into force</i>	- -	<i>30th June 1999</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community, acting jointly in exercise of the powers conferred on them by section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Title, extent and commencement

1. These Regulations, which extend to Great Britain, may be cited as the Olive Oil (Designations of Origin) Regulations 1999 and shall come into force on 30th June 1999.

Interpretation

2.—(1) In these Regulations, except where the context requires otherwise—

“the Marketing Standards Regulations” means the Olive Oil (Marketing Standards) Regulations 1987⁽³⁾;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“packaging”, the noun, means packaging intended for consumers in the member States and labels attached to such packaging;

“Regulation 2815/98” means Commission Regulation (EC) No. 2815/98⁽⁴⁾ concerning marketing standards for olive oil as amended by Commission Regulation (EC) 640/1999⁽⁵⁾; and

“relevant oil” means extra virgin olive oil and virgin olive oil.

(1) S.I.1972/1811.

(2) 1972 c. 68.

(3) S.I. 1987/1783; amended by S.I. 1990/2487, 1992/2590 and 1998/2410.

(4) OJ No. L349, 24.12.98, p.56.

(5) OJ No. L82, 26.3.1999, p.8.

(2) Any reference in these Regulations to a numbered Article shall be construed as a reference to the Article so numbered in Regulation 2815/98.

(3) Any other expression used in these Regulations and in Regulation 2815/98 has, in so far as the context admits, the same meaning as it has in that Regulation.

Exemptions

3. These Regulations shall not apply to any olive oil or olive residue oil which is within Article 6.

Offences

4.—(1) A person shall be guilty of an offence if he sells any olive oil or olive residue oil the packaging of which bears a designation of origin unless—

- (a) the oil is relevant oil; and
- (b) the designation of origin does not contravene Article 2 or 3.

(2) A person who packages relevant oil to which Article 4 applies shall be guilty of an offence if packaging takes place other than in an establishment which is approved in accordance with paragraphs 1 and 2 of Article 4.

(3) A person who sells relevant oil the packaging of which contravenes paragraph 3 of Article 4 shall be guilty of an offence.

(4) A person who operates an establishment which has a current approval granted in accordance with regulation 5 shall be guilty of an offence if he—

- (a) fails to comply with the undertaking given in respect of that establishment in accordance with the second indent of paragraph 2 of Article 4; or
- (b) fails to agree to the checks referred to in the third indent of paragraph 2 of Article 4.

(5) Any person guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) Where an offence under these Regulations is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and liable to be proceeded against and punished accordingly.

Approval

5.—(1) An application for approval of an establishment pursuant to paragraphs 1 and 2 of Article 4 shall be sent to the Minister who, in accordance with paragraph 2 of Article 4, shall determine whether or not that approval is to be granted and, if so, allocate the requisite alphanumeric identification.

(2) The Minister may, following conviction (for an offence under regulation 4(4) in relation to any establishment) against which there is no successful appeal, by notice served (within the period of 6 months following the date specified in paragraph (3)) on the person who operates the establishment suspend or withdraw the approval of the establishment and the allocation of the alphanumeric identification the granting and allocation of which respectively were effected pursuant to paragraph (1) above.

(3) The date specified in this paragraph is—

- (a) in the case of a conviction against which there is no appeal, the date on which the right to appeal against that conviction expires; and
- (b) in the case of a conviction against which there is an unsuccessful appeal—

- (i) if there is no right of appeal against the result of that unsuccessful appeal, the date of that result, and
- (ii) if there is a right of appeal against that result but no appeal is made, the date on which that right of appeal expires.

(4) The Minister may also withdraw the approval and allocation in question by agreement with the person who operates the establishment.

Application of other provisions

6.—(1) The following provisions of the Marketing Standards Regulations shall apply for the purposes of these Regulations as if those provisions formed part of these Regulations—

- (a) paragraphs (1) and (3) of regulation 2 (interpretation);
- (b) regulation 3 (enforcement);
- (c) regulation 5 (powers of authorised officers of enforcement authorities); and
- (d) regulation 6 (offences by bodies corporate).

(2) The following provisions of the Food Safety Act 1990⁽⁶⁾ shall apply for the purposes of these Regulations as if references in those provisions to a Part of that Act were references to these Regulations—

- (a) section 20 (offences due to fault of another); and
- (b) section 21(1), (5) and (6) (defence of due diligence).

(3) Subsections (1) to (3) of section 44 (protection of officers acting in good faith) of the Food Safety Act 1990 shall apply for the purposes of these Regulations as if—

- (a) references in those subsections to a food authority were references to an enforcement authority; and
- (b) references in those subsections to the Act were references to these Regulations.

27th May 1999

Jeff Rooker
Minister of State, Ministry of Agriculture,
Fisheries and Food

27th May 1999

Sewel
Parliamentary Under Secretary of State, Scottish
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Great Britain, provide for the enforcement and execution of Commission Regulation (EC) No. 2815/98 (OJ No. L349, 24.12.98, p.56) as amended by Commission Regulation (EC) No. 640/1999 (OJ No. L82, 26.3.1999, p.8) (together hereinafter referred to as “Regulation 2815/98”).

The Regulations—

- (a) exempt from their application products that have been lawfully manufactured and labelled in the Community or lawfully imported into the Community and placed in free circulation before 30th June 1999 (regulation 3);
- (b) provide that it is an offence to sell—
 - (i) olive oil or olive residue oil, other than extra virgin or virgin olive oil, if its packaging bears a designation of origin; or
 - (ii) extra virgin or virgin olive oil if—
 - (aa) its packaging bears a designation of origin which contravenes Article 2 or 3 of Regulation 2815/98; or
 - (bb) its packaging contravenes Article 4.3 of that Regulation (regulation 4(1) and (3));
- (c) provide that it is an offence to package oil other than in an approved establishment or to operate an approved establishment when not in compliance with the second and third indents of Article 4.2 of Regulation 2815/98 (regulation 4(2) and (4));
- (d) prescribe penalties and make provision in respect of Scottish partnerships (regulation 4(5) and (6));
- (e) provide for establishments to be allocated an identification and approved for the packaging of virgin or extra virgin olive oil pursuant to Article 4 of Regulation 2815/98 and specify the circumstances in which that allocation of identification and approval may be suspended or withdrawn (regulation 5); and
- (f) apply specified provisions of the Olive Oil (Marketing Standards) Regulations 1987 and the Food Safety Act 1990 (regulation 6).

No Regulatory Impact Assessment has been prepared in relation to these Regulations.