

Explanatory Memorandum to the Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (Wales) Regulations 2009

This Explanatory Memorandum has been prepared by the Food Standards Agency Wales and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

Description

These Regulations codify The Colours in Food Regulations 1995, The Sweeteners in Food Regulations 1995 and The Miscellaneous Food Additives Regulations 1995.

Matters of special interest to the Subordinate Legislation Committee

None.

Legislative Background

The powers enabling the Regulations to be made are contained in Sections 16(1)(a) and 17(1) of the Food Safety Act 1990. These are exercisable by Welsh Ministers. The Regulations are subject to the Assembly's negative resolution procedure.

Purpose and Intended effect of the legislation

The Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (Wales) Regulations 2009 provide for the implementation of three new Commission Directives. The new Directives codify and replace the existing legislation on purity criteria for colours, sweeteners and miscellaneous additives set out in (respectively) Commission Directives 95/45/EC, 95/31/EC and 96/77/EC, all as amended. The aim of the codification process is to consolidate, clarify and rationalise these Directives, without making any changes of substance.

Implementation of the Directives which the new Directives replace was by way of a reference to them in national legislation. These new Regulations will update these references through the further amendment of the Colours in Food Regulations 1995 (as amended), the Sweeteners in Food Regulations 1995 (as amended) and the Miscellaneous Food Additives Regulations 1995 (as amended) in relation to Wales.

The new Directives are:

- Commission Directive 2008/128/EC laying down specific purity criteria concerning colours for use in foodstuffs;
- Commission Directive 2008/60/EC laying down specific purity criteria concerning sweeteners for use in foodstuffs; and,
- Commission Directive 2008/84/EC laying down specific purity criteria for food additives other than colours and sweeteners.

Implementation

It is intended that these regulations will come into force on 25 May 2009. Separate but parallel instruments will also come into force in England, Scotland and Northern Ireland on 25 May 2009.

Regulatory Impact Assessment

The Agency has not produced a Regulatory Impact Assessment (RIA) as there are no changes to the requirements enforced by the new domestic legislation.

Consultation

As the legislation makes no changes of substance and no financial or other impact on industry is foreseen, the Agency did not hold a formal consultation. However, an Interested Parties letter including the draft SI for Wales was issued on 9 February 2009 and provided four weeks in which to submit comments.

There were no responses to the consultation from Welsh stakeholders; however, across the UK, one response was received from the Local Authority Coordinators of Regulatory Services (LACoRS UK). They had no comments to make.