

SL(5)519 – The Addition of Vitamins, Minerals and Other Substances (Wales) (Amendment) Regulations 2020

Background and Purpose

These Regulations amend the Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007 (“the 2007 Regulations”) to correct an omission in the enforcement provision.

The 2007 Regulations provide for the enforcement of EU law in relation to adding vitamins, minerals and certain other substances to food. The EU Regulation provides for substances that could represent a potential risk to consumers, which may be prohibited, restricted or kept under scrutiny. When made, the 2007 Regulations did not provide for the enforcement of prohibiting or restricting substances being added to foods. This is because there were no prohibited or restricted substances at that time. However, since 2007 Ephedra herb and Yohimbe bark have been listed as prohibited substances and trans fats have been listed as restricted substances. These Regulations therefore add prohibited and restricted substances to the enforcement regime.

These Regulations are made under sections 16(1)(a) and (f), 17(2), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990 and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

Procedure

Negative.

Technical Scrutiny

No technical points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

No merits points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Implications arising from exiting the European Union

These Regulations amend the 2007 Regulations which provide for, in Wales, the enforcement of EU obligations on the addition of vitamins and minerals and certain other substances to food. The amended 2007 Regulations will form part of retained EU law after IP completion day (i.e. the end of the implementation period, on 31 December 2020).

Government Response

A government response is not required.

Committee Consideration

The Committee considered the instrument at its meeting on 24 March 2020 and reports to the Assembly to highlight issues as a result of the UK exiting the EU.

