
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 217

FOOD

**The Food Additives (Amendment) (No.2)
Regulations (Northern Ireland) 2011**

Made - - - - 9th June 2011

Coming into operation in accordance with regulation 3

The Department of Health, Social Services and Public Safety⁽¹⁾ makes the following Regulations in exercise of the powers conferred by Articles 15(1)(a) and (f), 16(1) and 47(2) of the Food Safety (Northern Ireland) Order 1991⁽²⁾.

In accordance with Article 47(3A) of that Order, it has had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 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⁾, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Citation

1. These Regulations may be cited as the Food Additives (Amendment) (No.2) Regulations (Northern Ireland) 2011.

Amendment of the Food Additives Regulations (Northern Ireland) 2009

2.—(1) The Food Additives Regulations (Northern Ireland) 2009⁽⁴⁾ are amended in accordance with paragraph (2).

(2) In regulation 2(1) (interpretation) , at the end of the definition of “Directive 08/128” add “as amended by Commission Directive 2011/3/EU amending Directive 2008/128/EC laying down specific purity criteria on colours for use in foodstuffs;”.

(1) Formerly the Department of Health and Social Services; see [S.I. 1999/283 \(N.I.1\)](#) Article 3(6)
(2) [S.I. 1991/762 \(N.I.7\)](#) as amended by [S.I. 1996/1663 \(N.I.12\)](#), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 [c.28](#) and S.R. 2004 Nos. 482 and 505
(3) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by [Commission Regulation \(EC\) No. 596/2009](#) of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the treaty to Council Decision [1999/468/EC](#) with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No. L188, 18.7.2009, p14)
(4) [S.R. 2009 No. 416](#). These Regulations were amended by [S.R. 2011 No.39](#)

Commencement

3.—(1) These Regulations come into operation —

- (a) as regards the entries for synthetic lycopene and lycopene from *Blakeslea trispora* in sections (i) and (iii) respectively of the Annex to Directive 2011/3/EU, on 1st July 2011; and
- (b) as regards the entries for lycopene from red tomatoes in section (ii) of that Annex, on 1st September 2011.

(2) In this regulation Directive 2011/3/EU means Commission Directive 2011/3/EU amending Directive [2008/128/EC](#) laying down specific purity criteria on colours for use in foodstuffs⁽⁵⁾.

Sealed with the official seal of the Department of Health, Social Services and Public Safety on 9th June 2011.



L Devlin
A senior officer of the Department of Health,
Social Services and Public Safety

(5) OJ No. L13, 18.1.2011, p.59

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Commission Directive 2011/3/EU amending Directive [2008/128/EC](#) laying down specific purity criteria on colours for use in foodstuffs (OJ No. L13, 18.1.2011, p.59) (“the amending Directive”).

The amending Directive revises the purity criteria for lycopene derived from red tomatoes, and permits the use of two new sources of lycopene in accordance with prescribed purity criteria.

These Regulations implement the amending Directive by making an amendment to regulation 2 of the Food Additives Regulations (Northern Ireland) 2009 ([S.R. 2009 No. 416](#)) so that the definition of Directive 08/128 in those regulations includes reference to the amending Directive (*regulation 2(2)*).

The permission to use the two new sources of lycopene (synthetic lycopene and lycopene from *Blakeslea trispora*) is brought into operation earlier than the revision of existing purity criteria for lycopene from red tomatoes (*regulation 3*).