

## **EXECUTIVE NOTE**

### **THE ADDITION OF VITAMINS, MINERALS AND OTHER SUBSTANCES (SCOTLAND) AMENDMENT REGULATIONS 2010**

#### **SSI 2010/308**

1. The above instrument is being made in exercise of the powers conferred by sections 16(1)(a),(e) and (f), 17(2), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990, and paragraph 1A of Schedule 2 to the European Communities Act 1972 and all other powers enabling the Scottish Ministers to do so. It is subject to negative resolution.

#### **Policy Objectives**

2. The purpose of this instrument is to amend national Regulations which provide for the execution and enforcement of a European Union (EU) Regulation on the addition of vitamins, minerals and other substances to foods, to make an ambulatory reference to the Annexes to the EU Regulation which lists the vitamins, minerals and their sources permitted for addition to foods.

3. The addition of vitamins, minerals and other substances to foods (also known as ‘fortification’), is regulated in the EU under Regulation (EC) No. 1925/2006 of the European Parliament and of the European Council of 20 December 2006 on the addition of vitamins, minerals and of certain other substances to food. The Regulation is directly applicable in all Member States.

4. The Addition of Vitamins, Minerals and Other Substances (Scotland) Regulations 2007 (SSI 2007/325) as amended (‘the national Regulations’) provide for the execution and enforcement of Regulation 1925/2006 in Scotland.

5. The instrument amends the national Regulations to provide for the execution and enforcement, in Scotland, of future amendments to the Annexes to Regulation 1925/2006.

#### **Policy Background**

6. Commission Regulation (EC) No. 1170/2009, which came into force on 21 December 2009, added 1 mineral and 10 vitamin and mineral sources to the Annexes to the Regulation 1925/2006. The Food Supplements, Vitamins, Minerals and Other Substances (Scotland) Regulations 2009 amended the national Regulations for the first time to provide for the execution and enforcement of Regulation 1925/2006 in its amended form.

7. In the interests of simplification and better regulation, it is desirable to avoid the need to make national legislation each time amendments are made to the Annexes to Regulation 1925/2006, simply to provide for the execution and enforcement of the Regulation in its amended form.

8. This instrument therefore amends the national regulation to make an ambulatory reference to the Annex to Regulation 1925/2006, in exercise of the power to make ambulatory references provided by paragraph 1A of Schedule 2 to the European Communities Act 1972. This provides for the execution and enforcement of any future amendments to the Annexes to Regulation 1925/2006, without the need for further national legislation.

9. The instrument amends the national legislation for the second time. The national Regulations are not being consolidated on this occasion.

### **Consultation**

10. A public consultation on a draft of the instrument was carried out by the Food Standards Agency for a period of 12 weeks from 31 March to 23 June 2010. A total of 6 responses to the consultation were received, with stakeholders being broadly supportive of the proposals. A summary of consultation responses has been published on the Food Standards Agency's website.

11. A list of the interested parties consulted in Scotland is attached Annex A.

### **Guidance**

12. The Food Standards Agency's guidance on the addition of vitamins and minerals and of certain other substances to food provides advice on compliance and, whilst aimed primarily at industry, is also of use to enforcement authorities.

### **Financial Implications**

13. The instrument makes a technical amendment to the national Regulations which will not place any additional burdens on stakeholders, other than the one-off impact associated with being aware of, and becoming familiar with, the amendment and its effect on the national Regulations. A Business and Regulatory Impact Assessment has therefore not been prepared.

### **Regulating Small Business**

14. The instrument applies to small businesses. Small businesses will not be exempted because the instrument does not place any new burdens on them.

### **Contact**

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## ANNEX A

### CONSULTATION LIST

Aberdeen City  
Council

Aberdeenshire  
Council

Adam Smith  
College

AG BARR (Finlays  
NMW)

Angus Council

Animal Health  
Distributors Assoc  
(UK)

Argyll & Bute  
Council

Ayrshire & Arran  
Health Board

Barratlantic Ltd

Bell Bakers Limited

Black of Dunoon  
(Bakers) Ltd

BMA Scotland

British Goat Society

British Hospitality  
Association

British Nutrition  
Foundation

British Soft Drinks  
Association

Brooks-Carter  
Clinic

Buchanans  
(Scotland) Ltd

Cairnton House

Care Commission

Centre for Public  
Health Nutrition  
Research

Charles Tennant &  
Co

Ltd

Children In  
Scotland

City of Edinburgh  
Council

Clackmannanshire  
Council

Coca Cola  
Enterprises Ltd

Comhairie Nan  
Eilean Siar

Consumer Focus  
Scotland

Co-operative Group  
(CWS) Ltd

COSLA

Dairy UK -  
Scotland

Diageo

DSM Nutritional  
Products (UK) Ltd

Dumfries &  
Galloway Council

Dundee City  
Council

East Ayrshire  
Council

East Dunbartonshire  
Council

East Lothian  
Council

East Renfrewshire  
Council

Edinburgh  
Community Food  
Initiative

Edinburgh Tea &  
Coffee Company  
Ltd

European  
Parliament

Falkirk Council

Falkirk Royal  
Infirmary

Federation of Small  
Businesses

FG Associates

Fife Council

Food & Drink  
Federation

Food Additives &  
Ingredients  
Association

Food And Drink

Federation

Food Industry  
(North)  
Development  
Services

Food Innovation  
Institute (F2i)

Food Safety  
Authority of Ireland

Food Training &  
Consultants  
Company

G McWilliam  
(Aberdeen) Ltd

Glasgow  
Caledonian  
University

Glasgow City  
Council

Glasgow  
Metropolitan  
College

Glasgow Scientific  
Services

H.R. Bradford  
(Bakers) Ltd

Hallmark Meat  
Hygiene Ltd/ AA  
Duncan & Son

Health & Sport  
Committee

Health Protection  
Scotland

Health Services  
Research Unit

Highland Council

Highland Spring  
Ltd

Institute of  
Aquaculture

Institute of  
Biological &  
Environmental  
Services

Inverclyde Council

J G Ross (Bakers)  
Ltd

James Rizza & Sons  
Ltd

JWC Services Ltd.

Kettle Produce Ltd.

King's College  
London

Klinge Foods Ltd.

Lactalis McLelland  
Limited

Larder Bytes Ltd

Lothian NHS

M Corson

Mackies Of  
Scotland

MacPhie of  
Glenbervie Ltd

McAusland  
Crawford

Microgram

Midlothian Council

Moray Seafood Ltd

Nairn Beekeepers

Neville Craddock  
Association

Newcastle  
University

NFU Scotland

NHS Ayrshire &  
Arran

NHS Borders

NHS Fife

NHS Fife -  
Nutrition & Dietic  
Dept.

NHS Forth Valley

NHS Grampian

NHS Greater  
Glasgow & Clyde

NHS Health  
Scotland

NHS Highlands

NHS Lothian

NHS Orkney

NHS Tayside

North Ayrshire  
Council

North Lanarkshire  
Council

Orkney Herring Co  
Ltd

Commission for the  
Regulation of Care

Orkney Islands  
Council

Scottish Crop  
Research Institute

Paterson Arran  
Limited

Scottish Enterprise

Perth & Kinross  
Council

Scottish  
Environmental  
Research Centre

Purely Scottish  
Mineral Water

Scottish Food &  
Drink Federation

Quality Meat  
Scotland

Scottish Food  
Enforcement  
Liaison Committee

Regulatory  
Solutions

Scottish Food  
Quality

Renfrewshire  
Council

Certification Ltd

Robert Gordon  
University

Scottish  
Government

Rowett Institute

Rowett Research  
Services

Scottish  
Government  
Criminal Justice  
Directorate

Royal  
Environmental  
Health Institute for  
Scotland

Scottish Grocers  
Federation

Ruma

Scottish Health  
Food Retailers  
Association

Scottish Association  
of Master Bakers

Scottish Borders  
council

Scottish Midland  
Co-op Society

Scottish Chambers  
of Commerce

Scottish Newcastle  
UK

Scottish

Scottish

Qualifications Authority	The Infant & Dietetic Foods Association Ltd
Scottish Spina Bifida Association	The Moray Council
Sea Fish Industry Authority	The Royal Society of Edinburgh
Seafish Industry Authority	Thomas Tunnock Ltd
Shetland Islands Council	United Central Bakeries Ltd
SNDRT	United Fish Industries
Soil Association Certification Ltd	University of Aberdeen
Soil Association Scotland	University of Dundee
South Ayrshire Council	University of Glasgow
South Lanarkshire Council	University of Liverpool
Spitfire Resources	University Of Paisley
SUSTAIN	University of Strathclyde
Tayside Scientific Services	Vegetarian Economy & Green Agriculture (VEGA)
The Association of Meat Inspectors	Verner Wheelock Associates
The British Dietetic Association	Vion
The Glenside Group	Voluntary Health Scotland
The Halal Food Authority	
The Highland Council	

Walkers Shortbread  
Ltd

West  
Dunbartonshire  
Council

West Lothian  
Council

Which?

Women's Food &  
Farming Union