

TRANSPOSITION NOTE

The Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013

This transposition note relates to Directive 2009/32/EC of the European Parliament and of the Council on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients ("Directive 2009/32/EC").

Background

European legislation on extraction solvents has existed since the late 1980s - Directive 88/344/EEC on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients. This was transposed into national legislation in 1993 – the Extraction Solvents in Food Regulations 1993.

Directive 88/344/EEC (as amended) was repealed and recast in 2009 by Directive 2009/32/EC. Directive 2009/32/EC was simply a recast of the existing rules and therefore no changes were required to the national implementing legislation.

However, this SSI re-implements Directive 2009/32/EC so that the provisions on extraction solvents can be found in one consolidated instrument that deals with similar matters – food additives, flavourings, enzymes and extraction solvents.

The 2013 Regulations

This SSI has been drafted in a different manner to the previous national implementing legislation in order to provide closer textual alignment with Directive 2009/32/EC. However, the substantive requirements which food business operators need to observe have not changed. In addition, to avoid unnecessary duplication between domestic and EU text and in order to gain the advantages of ambulatory references, the provisions of the SSI have been drafted to refer directly to Annex I of Directive 2009/32/EC as amended with the effect that any changes to the list of permitted extraction solvents (including any new permitted solvents) or their conditions of use will directly apply.

Certain Articles of Directive 2009/32/EC do not need to be transposed into national law as they relate to general obligations on Member States, administrative provisions or deal with historical issues such as entry into force and the repeal of previous legislation.

Transposition table

Article in Directive 2009/32/EC	Objective	Implementation	Responsibility
Article 1	<p>General article covering scope of Directive.</p> <p>(a) Article 1(1) para 2 states what is outside the scope of the Directive.</p> <p>(b) Article 1(2) defines “solvent” and “extraction solvent”.</p>	<p><i>PART 3 of the draft SSI covers extraction solvents provisions</i></p> <p>(a) Implemented by regulation 8(a).</p> <p>(b) Implemented by regulation 2(2).</p>	<p>The Scottish Ministers (on the advice of the Food Standards Agency) are responsible for the measures taken to implement this Directive in Scotland.</p>
Article 2	<p>(a) Article 2 (1) & (2) relates to Annex I which lists the authorised extraction solvents and sets conditions of use.</p> <p>(b) Article 2 (3) authorises as an extraction solvent, water and other food substances with solvent properties.</p>	<p>(a) Implemented by regulation 9 (a) (i) and (ii) as read with regulations 10 and 11 and with Annex I to the Directive.</p> <p>(b) Implemented by regulation 9 (b) and (c).</p>	<p>As above</p>
Article 3 and Annex I	<p>Covers purity criteria for extraction solvents.</p>	<p>Implemented by regulation 9 (a) (iii), (iv) and (v) as read with regulations 10 and 11.</p>	<p>As above</p>
Article 7	<p>Sets out the requirements for the labelling of extraction solvents.</p>	<p>Implemented by regulation 12.</p>	<p>As above</p>
Article 8	<p>(a) Article 8(1) applies Directive to extraction solvents used in the production of foods which are imported into the EU.</p> <p>(b) Article 8 (2) states that the Directive does not apply to extractions solvent or foods</p>	<p>(a) Implemented by regulation 11 (1)(b).</p> <p>(b) Implemented by regulation 8 (b).</p>	<p>As above</p>

	exported outside the EU.		
--	--------------------------	--	--