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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 78**

The Food Additives, Food Flavourings and Novel Foods (Authorisations) (Scotland) Regulations 2023

PART 1

Introduction

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Food Additives, Food Flavourings and Novel Foods (Authorisations) (Scotland) Regulations 2023 and come into force on 15 May 2023.

(2) These Regulations extend to Scotland only.

**Interpretation**

2.—(1) In these Regulations—

“Regulation (EC) No. 1333/2008” means Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives<sup>(1)</sup>,

“Regulation (EC) No. 1334/2008” means Regulation (EC) No. 1334/2008 of the European Parliament and of the Council on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No. 1601/91, Regulations (EC) No. 2232/96 and (EC) No. 110/2008 and Directive 2000/13/EC<sup>(2)</sup>,

“Commission Regulation (EU) No. 231/2012” means Commission Regulation (EU) No. 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council<sup>(3)</sup>,

“Commission Implementing Regulation (EU) 2017/2470” means Commission Implementing Regulation (EU) 2017/2470 establishing the Union list of novel foods in accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods<sup>(4)</sup>.

(2) Unless the contrary intention appears, any expression used both in these Regulations and in Regulation (EC) No. 1333/2008, Regulation (EC) No. 1334/2008, Commission Regulation (EU) No. 231/2012, or Commission Implementing Regulation (EU) 2017/2470 has the same meaning as it has in Regulation (EC) No. 1333/2008, Regulation (EC) No. 1334/2008, Commission Regulation (EU) No. 231/2012 or Commission Implementing Regulation (EU) 2017/2470 as the case may be.

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(1) EUR 2008/1333, as amended by S.I. 2019/860.

(2) EUR 2008/1334, as amended by S.I. 2019/860.

(3) EUR 2012/231, as amended by S.I. 2019/860.

(4) EUR 2017/2470, as amended by S.I. 2019/702.

## PART 2

### Food Additives Authorisations

#### **Amendment of Regulation (EC) No. 1333/2008**

3.—(1) The domestic list of food additives set out in Annex 2 (domestic list of food additives approved for use in foods and conditions of use) to Regulation (EC) No. 1333/2008 is amended in accordance with schedule 1.

(2) Part E of Annex 2 to Regulation (EC) No. 1333/2008 is further amended as follows—

- (a) in category 13.2 (dietary foods for special medical purposes), in the entry for “Advantame”, for “E 960” substitute “E 969”,
- (b) in category 13.3 (dietary foods for weight control diets), in the entry for “Advantame”, for “E 960” substitute “E 969”,
- (c) in category 14.1.3 (fruit nectars and vegetable nectars and similar products) at the end at the appropriate place add the following footnote—  
“(1) : The additives may be added individually or in combination”.

#### **Amendment of Commission Regulation (EU) No. 231/2012**

4. The specifications for food additives set out in the Annex to Commission Regulation (EU) No. 231/2012 are amended in accordance with schedule 2.

#### **Transitional provision**

5. Any food additive or food labelled before the end of 14 November 2024 as steviol glycosides (E 960) or as containing steviol glycosides (E 960), that is otherwise compliant with the conditions of use and specification for steviol glycosides from Stevia (E 960a), may continue to be placed on the market and used until stocks are exhausted.

## PART 3

### Food Flavourings Authorisations

#### **Amendment of Regulation (EC) No. 1334/2008**

6. The domestic list of flavourings and source materials set in out Annex 1 to Regulation (EC) No. 1334/2008 is amended in accordance with schedule 3.

## PART 4

### Novel Foods Authorisations

#### **Amendment of Commission Implementing Regulation (EU) 2017/2470**

7. The list of authorised novel foods set out in the Annex to Commission Implementing Regulation (EU) 2017/2470 is amended in accordance with schedules 4 and 5.

St Andrew's House,  
Edinburgh  
14th March 2023

*MAREE TODD*  
Authorised to sign by the Scottish Ministers