

2009 No. 891

FOOD, ENGLAND

**The Purity Criteria for Colours, Sweeteners and Miscellaneous
Food Additives (England) Regulations 2009**

<i>Made</i>	- - - -	<i>2nd April 2009</i>
<i>Laid before Parliament</i>		<i>9th April 2009</i>
<i>Coming into force</i>	- -	<i>25th May 2009</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 16(1)(a) and 17(1) of the Food Safety Act 1990(a) and now vested in him (b).

In accordance with section 48(4A) of that Act, the Secretary of State has taken into account 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(c) there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title, application and commencement

1. These Regulations may be cited as the Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (England) Regulations 2009. They apply in relation to England only and come into force on 25th May 2009.

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- (a) 1990 c.16, section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Sections 17 and 48 were amended by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c.28), “the 1999 Act”. Section 48 was also amended by S.I. 2004/2990. Section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c.40), Schedule 6 to the 1999 Act and S.I. 2004/2990.
- (b) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the 1999 Act. Those functions so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the 1999 Act, and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32). Those functions so far as exercisable in relation to Scotland were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c. 46) as read with section 40(2) of the 1999 Act.
- (c) OJ No. 131, 1.2.2002, p.1, as last amended by Commission Regulation (EC) No. 2002/2008 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority (OJ No. L60, 5.3.2008, p.17).

Amendment of the Colours in Food Regulations 1995

2.—(1) The Colours in Food Regulations 1995(a) are amended in accordance with paragraph (2).

(2) In regulation 2(1) (interpretation) —

(a) omit the definition of “Directive 95/45/EC” and substitute in its place the following definition —

““Directive 2008/128/EC” means Commission Directive 2008/128/EC laying down specific purity criteria concerning colours for use in foodstuffs(b);”;

(b) in the definition of “permitted colour”, for the expression “the annex to Directive 95/45/EC” substitute the expression “Annex I to Directive 2008/128/EC”.

Amendment of the Sweeteners in Food Regulations 1995

3.—(1) The Sweeteners in Food Regulations 1995(c) are amended in accordance with paragraph (2).

(2) In regulation 2(1) (interpretation) —

(a) omit the definition of “Directive 95/31/EC” and substitute in its place the following definition —

““Directive 2008/60/EC” means Commission Directive 2008/60/EC laying down specific purity criteria concerning sweeteners for use in foodstuffs(d);”;

(b) in the definition of “permitted sweetener”, for the expression “the annex to Directive 95/31/EC” substitute the expression “Annex I to Directive 2008/60/EC”.

Amendment of the Miscellaneous Food Additives Regulations 1995

4.—(1) The Miscellaneous Food Additives Regulations 1995(e) are amended in accordance with paragraph (2).

(2) In regulation 2(1) (interpretation) —

(a) omit the definition of “Directive 96/77/EC” and substitute in its place the following definition —

““Directive 2008/84/EC” means Commission Directive 2008/84/EC laying down specific purity criteria on food additives other than colours and sweeteners(f) as that Directive was before the amendments made by Commission Directive 2009/10/EC(g);”
;

(b) in the definition of “purity criteria”, in sub-paragraph (a) for the expression “the Annex to Directive 96/77/EC” substitute “Annex I to Directive 2008/84/EC”.

Signed by authority of the Secretary of State

Dawn Primarolo

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- (a) S.I. 1995/3124. The definition of “Directive 95/45/EC” was amended in relation to England by S.I. 2007/453. There have been other amendments but they are not relevant to this instrument.
- (b) OJ No. L6, 10.1.2009, p.20.
- (c) S.I. 1995/3123, amended in relation to England by S.I. 2004/3348 (as regards the definition of “permitted sweeteners”) and S.I. 2007/1778 (as regards the definition of “Directive 95/31/EC”). There have been other amendments but they are not relevant to this instrument.
- (d) OJ No. L158, 18.6.2008, p.17.
- (e) S.I. 1995/3187. The definitions of “Directive 96/77/EC” and “purity criteria” were inserted by S.I. 1997/1413 and last amended in relation to England by S.I. 2001/3775 as regards “purity criteria” and S.I. 2007/1778 as regards “Directive 96/77/EC”. There have been other amendments but they are not relevant to this instrument.
- (f) OJ No. L253, 20.9.2008, p.1.
- (g) Commission Directive 2009/10/EC amending Directive 2008/84/EC laying down specific purity criteria on food additives other than colours and sweeteners (OJ No. L44, 13.02.2009, p.62).

2nd April 2009

Minister of State
Department of Health

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EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations provide for the implementation of three new Commission Directives (“the new Directives”) which consolidate existing European Community rules governing the purity criteria for colours, sweeteners and other miscellaneous additives used in foods.

2. These Regulations further amend in relation to England the Colours in Food Regulations 1995 (S.I.1995/3124 as amended), the Sweeteners in Food Regulations 1995 (S.I.1995/3123 as amended) and the Miscellaneous Food Additives Regulations 1995 (S.I.1995/3187 as amended).

3. Implementation of the Directives which the new Directives replace was by reference to them in domestic provisions, and these Regulations therefore update those references.

4. The new Directives are —

- (a) Commission Directive 2008/128/EC laying down specific purity criteria concerning colours for use in foodstuffs (OJ No. L6, 10.1.2009, p.20);
- (b) Commission Directive 2008/60/EC laying down specific purity criteria concerning sweeteners for use in foodstuffs (OJ No. L158, 18.6.2008, p.17); and
- (c) Commission Directive 2008/84/EC laying down specific purity criteria on food additives other than colours and sweeteners (OJ No. L253, 20.9.2008, p.1).

5. A full impact assessment has not been prepared for these Regulations as no impact on the voluntary or private sectors is foreseen.

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