
WELSH STATUTORY INSTRUMENTS

2007 No. 116 (W.7)

FOOD, WALES

**The Food for Particular Nutritional Uses
(Addition of Substances for Specific Nutritional
Purposes) (Wales) (Amendment) Regulations 2007**

Made - - - - 23 January 2007

Coming into force - - 25 January 2007

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by sections 16(1)(f), 17(1), 26(3) and 48(1) of the Food Safety Act 1990(1) and now vested in it(2).

The National Assembly for Wales has had regard to relevant advice given by the Food Standards Agency as required by section 48(4A) of that Act.

There has been open and transparent public consultation during the preparation of the Regulations 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).

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) (Amendment) Regulations 2007.

(2) These Regulations come into force on 25 January 2007.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations “the principal Regulations” means the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2002(4).

(1) 1990 c. 16; section 1(1) and (2) (definition of “food”) was substituted by S.I.2004/2990; section 53(2) was amended by Schedule 6 to the Food Standards Act 1999 (1999 c. 28) and S.I. 2004/2990.

(2) Functions of the Secretary of State under the Food Safety Act 1990, 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. 672).

(3) OJ No. L31, 1.2.2002, p. 1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).

(4) S.I. 2002/2939 (W.280), amended by S.I. 2004/1012 (W.109); there are other amending instruments but none is relevant.

Amendment of the principal Regulations

2. The principal Regulations are amended in accordance with regulations 3 to 5.
3. In regulation 2(1) (interpretation), in the definition of “Directive 2001/15”, after “Directive 2004/5/EC” insert “and Commission Directive 2006/34/EC(5)”.
4. In Schedule 1 (substances which may be added for specific nutritional purposes in designated PNU foods)—
 - (a) in the Section concerning Category 1 (vitamins), for the heading “FOLIC ACID” substitute “FOLATE”, and under that (revised) heading insert at the end “— calcium-L-methylfolate”;
 - (b) in the Section concerning Category 2 (minerals), under the heading “IRON” insert at the end “— ferrous bisglycinate”.
5. In Schedule 2 (additional substances which may be added for specific nutritional purposes in foods for special medical purposes) insert at the beginning—

“Category 2. Minerals

magnesium L-aspartate”.

Amendment of the Notification of Marketing of Food for Particular Nutritional Uses (England and Wales) Regulations 2002.

- 6.—(1) In so far as they apply in relation to Wales, the Notification of Marketing of Food for Particular Nutritional Uses (England and Wales) Regulations 2002(6) are amended as specified in paragraph (2).
- (2) In regulation 6 (application of various provisions of the Food Safety Act 1990) omit the words “, unless the context otherwise requires,”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(7)

23 January 2007

D. Elis-Thomas
The Presiding Officer of the National Assembly

(5) OJ No. L83, 22.3.2006, p.14.

(6) S.I. 2002/333.

(7) 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply in relation to Wales, amend the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2002 as amended (“the principal Regulations”).

2. These Regulations implement Commission Directive [2006/34/EC](#) (OJ No. L83, 22.3.2006, p.14) amending the Annex to Directive [2001/15/EC](#) as regards the inclusion of certain substances.

3. The principal Regulations apply to food for most particular nutritional uses (definition of “designated PNU food” in regulation 2(1) of those Regulations). Those Regulations restrict the sale of such food where there has been added to it for a specific nutritional purpose a substance falling within one of the following six categories: vitamins; minerals; amino acids; carnitine and taurine; nucleotides; choline and inositol. In such a case the substance must be listed under the relevant category in Schedule 1 or, as regards foods for special medical purposes, Schedule 1 or 2. There is a time-limited derogation as respects substances listed in Schedule 3 (regulation 3(5) of those Regulations).

4. These Regulations—

- (a) add certain substances to the list in the categories of vitamins and minerals which may be added for specific nutritional purposes in designated PNU foods (without any time limit) (regulation 4);
- (b) add a substance in the minerals category to the list of substances which may be added for specific nutritional purposes in foods for special medical purposes (without any time limit) (regulation 5);
- (c) update the definition of “Directive 2001/15” (regulation 3).

5. These Regulations also amend the Notification of Marketing of Food for Particular Nutritional Uses (England and Wales) Regulations 2002 in so far as they apply in relation to Wales to remove unnecessary wording from regulation 6 of those Regulations (regulation 6).

6. A full regulatory appraisal has been prepared for these Regulations and has been placed in the Library of the National Assembly for Wales along with a copy of the transposition note relating to these Regulations. Copies are also available from the Food Standards Agency, 11th Floor, Southgate House, Cardiff CF10 1EW.