
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply in relation to Wales and amend the Miscellaneous Food Additives Regulations 1995 (*SI 1995/3187* as amended) (“the Additives Regulations”) in order to provide for the implementation of—

- (a) Directive [2006/52/EC](#) of the European Parliament and of the Council amending Directive [95/2/EC](#) on food additives other than colours and sweeteners and Directive [94/35/EC](#) on sweeteners for use in foodstuffs (OJ No L204, 26.7.2006, p 10), as corrected by a Corrigendum (OJ No L78, 17.3.2007, p 32); and
- (b) Commission Directive [2006/129/EC](#) amending and correcting Directive [96/77/EC](#) laying down specific purity criteria on food additives other than colours or sweeteners (OJ No L346, 9.12.2006, p 15).

2. These Regulations also amend the Sweeteners in Food Regulations 1995 (*SI 1995/3123* as amended) in order to provide for the implementation of Directive [2006/52/EC](#) mentioned above and of Commission Directive [2006/128/EC](#) amending and correcting Directive [95/31/EC](#) laying down specific criteria of purity concerning sweeteners for use in foodstuffs.

3. In particular these Regulations amend the Additives Regulations by—

- (a) amending certain definitions used in the Additives Regulations, including updating references to recently amended EC legislation (*regulation 3*);
- (b) making a transitional provision to permit the marketing of food additives or food placed on the market or labeled before 15th August 2008 if such marketing would have been lawful under the Additives Regulations before they were amended by these Regulations (*regulation 4*);
- (c) specifying certain additives that may not be used in the manufacture of jelly cups (*regulation 5(a)*);
- (d) adding a new substance to the permitted additives listed in Schedule 1, which concerns miscellaneous additives generally permitted for foods not referred to in Schedules 6, 7 or 8 (*regulation 5(b)*);
- (e) altering certain limits to, removing certain substances from and adding others to the conditionally permitted preservatives and anti-oxidants to the tables in Part A of Schedule 2 (*regulation 6*);
- (f) amending the entries relating to crustaceans and cephalopods, amending references to foods for infants and young children and adding two new entries to Part B of Schedule 2, which deals with sulphur dioxide and sulphites (*regulation 7*);
- (g) replace Part C of Schedule 2 which relates to the use of potassium nitrite and nitrate and sodium nitrite and nitrate (*regulation 8 and Schedule 1*);
- (h) replace Part D of Schedule 2 which relates to the use of certain anti-oxidants (*regulation 9 and Schedule 2*);
- (i) adding certain substances and amending conditions of use for some already permitted substances in Schedule 3, which concerns other permitted miscellaneous additives, and amending certain defined expressions used in that Schedule (*regulation 10*);

Status: This is the original version (as it was originally made).

- (j) adding two substances and amending the conditions of use for one already permitted in Schedule 4 which concerns permitted carriers and carrier solvents (*regulation 11*);
 - (k) amending Schedule 7, concerning foods in which a limited number of additives may be used, by the addition of certain foods and the addition of one additive to those permitted in one particular food (*regulation 12*); and
 - (l) amending a defined expression for a class of foods where it appears in Schedule 8, which concerns miscellaneous additives permitted in foods for infants and young children, and adding a permitted substance to that Schedule (*regulation 13*).
4. These Regulations amend the Sweeteners in Food Regulations 1995 by—
- (a) updating references to recently amended EC legislation (*regulation 14(2)*); and
 - (b) adding a substance to Schedule 1, which concerns permitted sweeteners and the foods in or on which they may be used (*regulation 14(3)*).
5. A full regulatory impact assessment of the effect that this instrument will have on the costs of business has been prepared and copies are available from the Food Standards Agency, 11th Floor, Southgate House, Wood, Street, Cardiff, CF10 1EW.