The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(a) and (f), 17(1) and 48(1) of the Food Safety Act 1990 (1) which are now vested in them (2).

In accordance with section 48(4A) of that Act, they have had regard to 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 (3), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title

1. The title of these Regulations is The Food Additives (Wales) (Amendment) (No. 2) Regulations 2011.
Amendment of the Food Additives (Wales) Regulations 2009

2.—(1) The Food Additives (Wales) Regulations 2009(4) are amended in accordance with paragraph (2).


Commencement

3.—(1) These Regulations come into force —

(a) as regards the entries for synthetic lycopene and lycopene from Blakeslea trispora in sections (i) and (iii) respectively of the Annex to Directive 2011/3/EU, on 1 July 2011; and

(b) as regards the entries for lycopene from red tomatoes in section (ii) of that Annex, on 1 September 2011.


Lesley Griffiths
Minister for Health and Social Services, one of the Welsh Ministers

8 June 2011

(4) S.I. 2009/3378 (W.300). These Regulations were amended by S.I. 2011/655 (W.93).
EXPLANATORY NOTE

(This note is not part of the Regulations)


2. The amending Directive revises the purity criteria for lycopene derived from red tomatoes, and permits the use of two new sources of lycopene in accordance with prescribed purity criteria.

3. These Regulations implement the amending Directive by making an amendment to regulation 2 of the Food Additives (Wales) Regulations 2009 (S.I.2009/3378 (W.300)) so that the definition of Directive 08/128 in that regulation includes reference to the amending Directive (regulation 2(2)).

4. The permission to use the two new sources of lycopene (synthetic lycopene and lycopene from Blakeslea trispora) is brought into force earlier than the revision of existing purity criteria for lycopene from red tomatoes (regulation 3).

5. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.