
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 78

FOOD

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

<i>Made</i>	- - - -	<i>14th March 2023</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>16th March 2023</i>
<i>Coming into force</i>	- -	<i>15th May 2023</i>

The Scottish Ministers make these Regulations in exercise of the powers conferred by Articles 7(5)(1) and 14A(2)(b) of Regulation (EC) No. 1331/2008 of the European Parliament and of the Council establishing a common authorisation procedure for food additives, food enzymes and food flavourings(2), Article 12(1)(3) of Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods, amending Regulation (EU) No. 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No. 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No. 1852/2001(4), and all other powers enabling them to do so.

In relation to Parts 2 and 3, the Scottish Ministers have sought the advice of Food Standards Scotland in accordance with Article 7(5) of Regulation (EC) No. 1331/2008 of the European Parliament and of the Council establishing a common authorisation procedure for food additives, food enzymes and food flavourings.

There has been consultation 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(5).

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- (1) Article 2 makes provision as to how the regulation-making power in Article 7(5) is to be exercised.
 - (2) EUR 2008/1331, as relevantly amended by S.I. 2019/860. The terms “domestic list”, “authority”, “prescribe” and “appropriate authority” are defined in Article 2. In relation to Part 2 of these Regulations, Articles 7(5) and 14(2)(b) of EUR 2008/1331 are applied by Articles 10(3), 14 and 30(4) of Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives as relevantly amended by S.I. 2019/860. In relation to Part 3 of these Regulations, Articles 7(5) and 14(2)(b) of EUR 2008/1331 are applied by Article 11(3) of 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 as relevantly amended by S.I. 2019/860.
 - (3) Article 9 makes provision as regards how the regulation-making power in Article 12(1) is to be exercised and Article 27(1) lays down requirements as regards the information to be included in the entry for a novel food on the list set out in Commission Implementing Regulation (EU) 2017/2470 where it is authorised based on proprietary scientific evidence or scientific data. In accordance with Article 12(1), the appropriate authority must prescribe updates to that list within seven months of the date of publication of the Food Safety Authority’s opinion.
 - (4) EUR 2015/2283, as relevantly amended by S.I. 2019/702. The terms “list”, “prescribe” and “appropriate authority” are defined in Article 3.
 - (5) EUR 2002/178, as relevantly amended by S.I. 2019/641 and 2020/1504.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
