

POLICY NOTE

THE FOOD ADDITIVES, FOOD FLAVOURINGS AND NOVEL FOODS (AUTHORISATIONS) (SCOTLAND) REGULATIONS 2023

SSI 2023/78

The above instrument was made in exercise of the powers conferred by Articles 7(5) and 14A(2)(b) of Regulation (EC) No. 1331/2008 of the European Parliament and of the Council of establishing a common authorisation procedure for food additives, food enzymes and food flavourings and Article 12(1) of Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel 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. The instrument is subject to negative procedure.

Summary Box

The purpose of this instrument is to implement the decision made by the Minister for Public Health, Women's Health & Sport on four regulated food product applications. It authorises the placing on the market in Scotland of a new food additive, a new food flavouring and a new novel food. It also authorises new conditions of use and changes to the specification of an existing novel food.

Policy Objectives

The instrument is required to give legislative effect to the Minister's decision with respect to four regulated food products authorisations.

It amends the domestic list of food additives approved for use in foods set out in Annex 2 to Regulation (EC) No.1333/2008 to add the food additive enzymatically produced steviol glycosides (E 960c). It also amends the name and E-number of the existing food additive steviol glycosides (E 960) to steviol glycosides from Stevia (E 960a), allowing the consumer to differentiate between the additives made with the existing and new production methods. The instrument will also update the Annex to Commission Regulation (EU) No. 231/2012 to rename the existing specification for steviol glycosides (E 960) and add a new specification for enzymatically produced steviol glycosides (E 960c).

The instrument will add the new food flavouring (3-(1-((3,5-dimethylisoxazol-4-yl)methyl)-1H-pyrazol-4-yl)-1-(3-hydroxybenzyl)imidazolidine-2,4-dione) to the list of authorised food flavourings and source materials set out in Annex 1 to Regulation (EC) No. 1334/2008

The instrument will also amend Commission Implementing Regulation (EU) 2017/2470 to add the new novel food vitamin D₂ mushroom powder to the list of authorised novel foods provided for there. Further, it will amend the entry in that list for the existing novel food UV-treated baker's yeast (*Saccharomyces cerevisiae*) to provide for additional conditions of use and a revised specification.

At the end of the Implementation Period the UK inherited the European Commission's (EC) legal obligation to process applications for the authorisation of regulated food and feed products. Assessing food and animal feed safety in Scotland is the responsibility of Food

Standards Scotland (FSS) as the ‘food safety authority’. FSS and the Food Standards Agency (FSA) assess GB-wide regulated products applications jointly through the GB regulated products application service, and make recommendations to Ministers.

The authorisation of these products for placing on the market in Scotland rests entirely with the Scottish Ministers. The retained law obligates the Scottish Ministers to prescribe authorisation of the relevant regulated product in law, which is the focus of this Scottish Statutory Instrument (SSI).

This SSI aligns Scotland with England and Wales as well as with similar EU legislation for these products, all of which have now been authorised by the EU Commission.

Consultation

To comply with the requirements of Article 9 of Regulation (EC) No. 178/2002 there has been open and transparent public consultation during the preparation and evaluation of this SSI.

The initial consultation ran from 17 October 2022 to 11 December 2022 and attracted 190 visitors, resulting in the survey being accessed 28 times. There was one response to the initial consultation, which was in support of the authorisations. The response was from industry within Scotland and no concerns were raised.

The additional consultation ran from 23 January 2023 to 6 February 2023 and attracted 125 visitors, resulting in the survey being accessed 16 times. There were no responses to the additional consultation.

Summaries of the consultation responses and replies to these were published on the consultation pages on Citizen Space for both the [initial](#) and the [additional](#) consultations. A list of those who replied to the consultation and who agreed to publication of their details and response was included in these summaries published on Citizen Space.

Impact Assessments

FSS consider that a specific Business and Regulatory Impact Assessment (BRIA) is not required for these authorisations. The costs to businesses are contained in Regulation (EU) 2015/2283 and Regulation (EC) 1331/2008 which both require authorisations before products may be placed on the market or for extensions/modifications of use of current authorisations. This SSI gives legislative effect to the Minister’s decisions and does not in itself introduce any new costs to the individual businesses or industry as a whole. The new authorisations would likely result in reallocation of wealth from existing to new product lines. No other impact assessments are required.

Financial Effects

The Minister for Public Health, Women's Health & Sport confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Food Standards Scotland
9 March 2023