
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019

PART 3

Amendment of retained direct EU legislation

Amendment 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

45. In Article 7—

(a) for paragraph 1 substitute—

“1. Within nine months of receiving the opinion of the Authority, the appropriate authority must take the decision whether to update the domestic list taking into account the opinion of the Authority, any relevant provisions of retained EU law and any other legitimate factors relevant to the matter under consideration.

In those cases where the Authority has not given an opinion, the nine month period starts from the date the appropriate authority receives a valid application.”;

(b) omit paragraph 2;

(c) for paragraph 3 substitute—

“3. Where the decision is not in accordance with the opinion of the Authority, the appropriate authority must explain the reasons for its decision.”;

(d) in paragraph 4 for “shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3)” substitute “may be prescribed by the appropriate authority after seeking advice from the Authority”;

(e) in paragraph 5—

(i) for “Community” substitute “domestic” in both places it occurs;

(ii) for “shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(4)” substitute “may be prescribed by the appropriate authority after seeking advice from the Authority”;

(f) omit paragraph 6.