

**EXPLANATORY MEMORANDUM TO THE
MISCELLANEOUS FOOD ADDITIVES (AMENDMENT) (ENGLAND)
REGULATIONS 2004**

2004 No. 2601

1. This explanatory memorandum has been prepared by the Food Standards Agency and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 The ministerial powers under which it is made are Sections 16(1)(a), 17(1), 26(1) and (3), and 48(1) of, and paragraph 1 of Schedule 1 to the Food Safety Act 1990.
3. **Matters of Special interest to the [Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments]**
 - 3.1 None
4. **Legislative Background**
 - 4.1 This new S.I amends the Miscellaneous Food Additives Regulations 1995 (as amended) to transpose in England Commission Directives 2003/95/EC and 2004/45/EC amending Directive 96/77/EC. Directive 96/77/EC sets out EU purity criteria (specifications) for individual approved food additives.
 - 4.2 Existing legislation in the UK, The Miscellaneous Food Additives Regulations 1995 (as amended) implements all existing European legislation relating to miscellaneous additives.
5. **Extent**
 - 5.1 This instrument applies to England.
6. **European Convention on Human Rights**
 - 6.1 In the Minister's view the instrument is compatible with Convention Rights.
7. **Policy background**
 - 7.1 Commission Directives 2003/95/EC and 2004/45/EC form part of a continuing programme to update EU wide specifications which are used to ensure the purity of food additives.
 - 7.2 The new S.I accurately transposes Directives 2003/95/EC and 2004/45/EC, which amend certain of the existing specifications in

Directive 96/77/EC to take account of advice of the European Commission's Scientific Committee on Food (SCF) or to adapt them to technological progress. In addition, new specifications have been included for three newly approved additives. A full consultation on the new regulations was carried out. No responses were received.

7.3 The new Directives set deadlines of implementation before 1 November 2004 and 1 April 2005 respectively.

8. Impact

8.1 There are no identifiable costs to the public.

8.2 There are no identifiable costs to the Exchequer.

9. Transposition note

9.1 A transposition note is attached at Annex A.

10. Contact Point

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