
STATUTORY INSTRUMENTS

2013 No. 2210

**The Food Additives, Flavourings, Enzymes and
Extraction Solvents (England) Regulations 2013**

PART 1

Introductory

Interpretation

2.—(1) In these Regulations —

“the Act” means the Food Safety Act 1990;

“Directive 2009/32” means [Directive 2009/32/EC](#) of the European Parliament and of the Council on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients⁽¹⁾;

“Regulation 2065/2003” means Regulation [\(EC\) No 2065/2003](#) of the European Parliament and of the Council on smoke flavourings used or intended for use in or on foods⁽²⁾;

“Regulation 1332/2008” means Regulation [\(EC\) No 1332/2008](#) of the European Parliament and of the Council on food enzymes⁽³⁾;

“Regulation 1333/2008” means Regulation [\(EC\) No 1333/2008](#) of the European Parliament and of the Council on food additives⁽⁴⁾, as read with —

- (a) Commission Regulation (EU) No 1129/2011 amending Annex II to Regulation [\(EC\) No 1333/2008](#) of the European Parliament and of the Council by establishing a Union list of food additives⁽⁵⁾,
- (b) Commission Regulation (EU) No 1130/2011 amending Annex III to Regulation [\(EC\) No 1333/2008](#) of the European Parliament and of the Council on food additives by establishing a Union list of food additives for use in food additives, food enzymes, food flavourings and nutrients⁽⁶⁾, and
- (c) Commission Regulation (EU) No 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation [\(EC\) No 1333/2008](#) of the European Parliament and of the Council⁽⁷⁾;

(1) OJNo. L141, 6.6.2009, p.3. This instrument was amended by Commission Directive 2010/59/EU (OJ No L225, 27.8.2010, p.10).
(2) OJ No. L309, 26.11.2003, p.1. This instrument was amended by Regulation [\(EC\) No 596/2009](#) of the European Parliament and of the Council (OJ No. L188, 18.7.2009, p.14).
(3) OJ No. L354, 31.12.2008, p.7. This instrument was last amended by Commission Regulation (EU) No 1056/2012 (OJ No. L313, 13.11.2012, p.9).
(4) OJ No. L354, 31.12.2008, p.16. This instrument was last amended by Commission Regulation (EU) No 739/2013 (OJ No. L204, 31.7.2013, p.35).
(5) OJ No. L295, 12.11.2011, p.1.
(6) OJ No. L295, 12.11.2011, p.178.
(7) OJ No. L83, 22.3.2012, p.1. This instrument was last amended by Commission Regulation (EU) No 739/2013 (OJ No. L204, 31.7.2013, p.35).

“Regulation 1334/2008” means 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⁽⁸⁾, as read with Commission Regulation (EU) No 873/2012 on transitional measures concerning the Union list of flavourings and source materials set out in Annex I to Regulation (EC) 1334/2008 of the European Parliament and of the Council⁽⁹⁾;

“authorised officer” means any person who is authorised in writing, either generally or specially, by a food authority to act in matters arising under these Regulations;

“food authority” has the meaning given by section 5 of the Act except that it does not include the appropriate Treasurer of the Inner Temple and Middle Temple;

“the EU Regulations” means Regulation 2065/2003, Regulation 1332/2008, Regulation 1333/2008 and Regulation 1334/2008.

(2) Other expressions used in these Regulations and in the EU instruments listed in paragraph (4) have the same meaning in these Regulations as they do in those instruments.

(3) Any reference in these Regulations to an Article of or Annex to any of the EU instruments listed in paragraph (4) is a reference to that Article or Annex as amended from time to time.

(4) The EU instruments are Directive 2009/32, Regulation 2065/2003, 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⁽¹⁰⁾, Regulation 1332/2008, Regulation 1333/2008 and Regulation 1334/2008.

(5) Where any functions under the Act are assigned —

(a) by an order under section 2 or 7 of the Public Health (Control of Disease) Act 1984⁽¹¹⁾, to a port health authority;

(b) by an order under section 6 of the Public Health Act 1936⁽¹²⁾, to a joint board for a united district; or

(c) by an order under paragraph 15(6) of Schedule 8 to the Local Government Act 1985⁽¹³⁾, to a single authority for a metropolitan county,

any reference in these Regulations to a food authority is to be construed, so far as relating to those functions, as a reference to the authority to which they are so assigned.

⁽⁸⁾ OJ No. L354, 31.12.2008, p.34. This instrument was last amended by Commission Regulation (EU) No 545/2013 (OJ No. L163, 15.6.2013, p.15).

⁽⁹⁾ OJ No. L267, 2.10.2012, p.162.

⁽¹⁰⁾ OJ No. L354, 31.12.2008, p.1. This instrument is implemented by Commission Regulation (EU) No 234/2011 (OJ No. L64, 11.03.2011, p.15) and that Regulation has been amended by Commission Implementing Regulation (EU) No 562/2012 (OJ No. L168, 28.06.2012, p.21).

⁽¹¹⁾ 1984 c.22; section 7(3)(d) was substituted by paragraph 27 of Schedule 3 to the Food Safety Act 1990 (1990 c.16).

⁽¹²⁾ 1936 c.49; section 6 is to be read with paragraph 1 of Schedule 3 to the Food Safety Act 1990.

⁽¹³⁾ 1985 c.51; paragraph 15(6) was amended by paragraph 31(b) of Schedule 3 to the Food Safety Act 1990.