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STATUTORY INSTRUMENTS

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**2019 No. 860**

**EXITING THE EUROPEAN UNION  
FOOD**

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

*Made - - - - 10th April 2019*

*Coming into force in accordance with regulation 1*

**THE FOOD ADDITIVES, FLAVOURINGS,  
ENZYMES AND EXTRACTION SOLVENTS  
(AMENDMENT ETC.) (EU EXIT) REGULATIONS 2019**

PART 1

Introduction

1. Citation and commencement

PART 2

Amendment of subordinate legislation

2. Amendment of the Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013
3. In regulation 10(b) for “European Union” substitute “United Kingdom”.
4. In regulation 14(1)(d) for “territory of the EU” substitute “United...”
5. Omit regulation 15.
6. In Schedule 1— (a) in Table 1 in the entry...
7. In Schedule 2 in Table 1— (a) in the entry...
8. In Schedule 3 in Table 1 in the entry for...
9. In Schedule 4 in Table 1— (a) in the entry...

PART 3

Amendment of retained direct EU legislation

10. Amendment of 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

*Status: This is the original version (as it was originally made).*

11. In Article 1— (a) in paragraph 1 omit “internal”;
12. In Article 3 at the end insert— “Authority” means— (a) as regards England, Wales and Northern Ireland,...
13. In Article 5(3)— (a) for “Community legislation” substitute “retained EU...”
14. In the heading to Article 6 omit “Community”.
15. In Article 6— (a) in paragraph 1—
16. In Article 7(2)— (a) in point (a) for “competent authority...”
17. In Article 8— (a) in paragraph 1 in the third...
18. In the heading to Article 9 omit “Community”.
19. In Article 9— (a) for paragraphs 1 and 2 substitute—...
20. Omit Article 10.
21. In Article 11— (a) in paragraph 2 omit “On its...”
22. In Article 12— (a) in paragraph 1 for “Commission” substitute...
23. In Article 13 (4) for “Community legislation” substitute “retained EU...”
24. Omit Article 14.
25. In Article 15— (a) in paragraph 2—
26. In Article 17— (a) in paragraph 1 for “Member States”...
27. In Article 18— (a) in paragraph 1—
28. Omit Article 19.
29. Insert a new Article 19A— Article 19A Regulations and devolved...
30. After Article 21 omit “This Regulation shall be binding in...”
31. In Annex 1 in paragraph 1 for “Community legislation” substitute...
32. In Annex 1 in paragraph 2, in the opening words,...
33. In Annex 2 in point 6 for “Scientific Committee on...”
34. Amendment of Commission Regulation (EC) No. 627/2006 implementing Regulation (EC) No. 2065/2003 of the European Parliament and of the Council as regards quality criteria for validated analytical methods for sampling, identification and characterisation of primary smoke products
35. After Article 2 omit “This Regulation shall be binding in...”
36. 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
37. In Article 1— (a) in paragraph 1 omit “within the...”
38. In the heading to Article 2 for “Community” substitute “domestic”....
39. In Article 2— (a) in paragraph 1
40. In Article 3— (a) in paragraph 1—
41. In Article 4— (a) in paragraph 1—
42. In Article 5(2) for “Commission, the Member States” substitute “appropriate...”
43. In Article 6— (a) in paragraph 1 omit “and shall...”
44. In the heading to Article 7 for “Community” substitute “domestic”....
45. In Article 7— (a) for paragraph 1 substitute— Within nine months of receiving the opinion of the Authority,...
46. In Article 8— (a) in paragraph 1—
47. In Article 9— (a) in the opening words of paragraph...
48. In Article 10— (a) for “Commission” substitute “Authority” in both...
49. In Article 11 for “shall ensure the transparency of its...”
50. In Article 12— (a) in paragraph 3—
51. Omit Articles 13 and 14.
52. Insert a new Article 14A— Article 14A Regulations and devolved...
53. Omit Article 15.
54. After Article 16 omit “This Regulation shall be binding in...”

55. Amendment of Regulation (EC) No. 1332/2008 of the European Parliament and of the Council on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No. 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No. 258/97
56. In Article 1— (a) in the first paragraph omit “internal”;...
57. In Article 2(3) omit “Community”.
58. In Article 3(2) at the end insert—
59. In the heading to Chapter 2 for “Community” substitute “Domestic”....
60. In the heading to Article 4 for “Community” substitute “Domestic”....
61. In Article 4 for “Community” substitute “domestic”.
62. In the heading to Article 6 for “Community” substitute “domestic”....
63. In Article 6 for “Community” substitute “domestic”.
64. In the heading to Article 7 for “Community” substitute “domestic”....
65. In Article 7 for “Community” substitute “domestic” in each place...
66. In Article 8 for “Community” substitute “domestic” in both places...
67. Omit Article 9.
68. In Article 10 (a) in paragraph 1 in the last...
69. In Article 11(1)(g) for “Community” substitute “retained EU”.
70. In Article 14— (a) in paragraph 1 for “Commission” substitute...
71. Omit Article 15.
72. Insert a new Article 15A— Article 15A Regulations and devolved...
73. Omit Article 16.
74. In the heading to Article 17 for “Community” substitute “domestic”....
75. In Article 17— (a) in paragraph 1 for “Community” substitute...
76. In Article 18 for “Community” substitute “domestic”.
77. In Article 24 in the second paragraph—
78. After Article 24 omit “This Regulation shall be binding in...
79. Amendment of Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives
80. In Article 1— (a) in the first paragraph omit “internal”;...
81. In Article 2— (a) in paragraph 2(b) for “Community rules”...
82. At the end of Article 3 insert—
83. In the heading to Chapter 2 for “Community” substitute “Domestic”....
84. In the heading to Article 4 for “Community” substitute “Domestic”....
85. In Article 4 for “Community” substitute “domestic” both places it...
86. In the heading to Article 6 for “Community” substitute “Domestic”....
87. In Article 6 for “Community” substitute “domestic” in each place...
88. In Article 7 for “Community” substitute “domestic”.
89. In Article 8 for “Community” substitute “domestic”.
90. In Article 9(2) for “shall be adopted in accordance with...
91. In the heading to Article 10 for “Community” substitute “domestic”....
92. In Article 10 for “Community” substitute “domestic” in each place...
93. In the heading to Article 12 for “Community” substitute “domestic”....
94. In Article 12 for “Community” substitute “domestic” both places it...
95. In Article 13 for “Community” substitute “domestic” both places it...
96. In Article 14 for “Community” substitute “domestic”.
97. Omit Article 19.
98. Omit Article 20.
99. In Article 21— (a) in paragraph 1 in the last...
100. In Article 22(1)(g) for “Community” substitute “retained EU”.
101. In Article 23(4) omit the second sentence.
102. In Article 24(3)— (a) after “measures” insert “prescribed by the...
103. In Article 26— (a) in paragraph 1 for “Commission” substitute...

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104. Omit Articles 27 and 28.
105. Insert a new Article 28A— Article 28A Regulations and devolved...
106. Omit Article 29.
107. Omit Article 30(5).
108. In Article 31 in the first paragraph—
109. Omit Article 32.
110. In Article 34 in the last paragraph for “Community” substitute...
111. After Article 35 omit “This Regulation shall be binding in...
112. In the heading to Annex 2 for “Union” substitute “Domestic”....
113. In Annex 2— (a) in Part A, paragraph 1 for...
114. In the heading to Annex 3 for “Union” substitute “Domestic”....
115. Omit Annex 4.
116. Amendment to 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 and amending Council Regulation (EEC) No. 1601/91, Regulations (EC) No. 2232/96 and (EC) No. 110/2008 and Directive 2000/13/EC
117. In Article 1— (a) in the first paragraph omit “internal”;...
118. At the end of Article 3(2)(k) add—
119. For Article 6(3) substitute— Detailed rules for the implementation of paragraph 2 may be...
120. In Article 8(2)— (a) for “Commission, a Member State” substitute...
121. In the heading to Chapter 3 for “Community” substitute “Domestic”....
122. In the heading to Article 10 for “Community” substitute “Domestic”....
123. In Article 10 for “Community” substitute “domestic”.
124. In the heading to Article 11 for “Community” substitute “Domestic”....
125. In Article 11 for “Community” substitute “domestic” in each place...
126. In Article 12 for “Community” substitute “domestic” in both places...
127. Omit Article 13.
128. In Article 14— (a) in paragraph 1 in the last...
129. In Article 15(1)(g) for “Community” substitute “retained EU”.
130. In Article 19— (a) in paragraph 1—
131. Omit Articles 20 and 21.
132. Insert a new Article 21A— Article 21A Regulations and devolved...
133. In Article 22— (a) In the first paragraph for “adopted...
134. Omit Article 23.
135. Omit Article 25.
136. After Article 30 omit “This Regulation shall be binding in...
137. In the heading to Annex 1 and in the heading...
138. In Annex 1, Part A, Section 1, in the paragraph...
139. Amendment to Regulation (EU) No. 234/2011 implementing 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
140. In Article 3— (a) in paragraph 1—
141. In Article 4— (a) in point (g) for “the Union...
142. In Article 5— (a) in paragraph 3 omit “(The EFSA...
143. in Article 6(1)(g) for “Union” substitute “domestic”.
144. In Article 7(2)(f) for “Union” substitute “domestic”.
145. In Article 9(2)(f) omit “as described in the Authority’s guidance...
146. In Article 10(1)(e) for “Union” substitute “domestic”.
147. In Article 12— (a) in paragraph 1 for “Commission” substitute...
148. In Article 13(1)(c) omit “European”.

149. Omit Article 13(2).
150. After Article 14 omit “This Regulation shall be binding in...
151. In the Annex in the Model Letter accompanying an application...
152. In the Annex in the Model Letter accompanying an application...
153. In the Annex in the Model Letter accompanying an application...
154. Amendment to Commission Regulation (EU) No. 231/2012 laying down specifications for food additives listed in Annexes 2 and 3 to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council
155. After Article 4 omit “This Regulation shall be binding in...
156. Amendment to Commission Implementing Regulation (EU) No. 872/2012 adopting the list of flavouring substances provided for by Regulation (EC) No. 2232/96 of the European Parliament and of the Council introducing it in Annex 1 to Regulation (EC) No. 1334/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No.1565/2000 and Commission Decision 1999/217/EC
157. In Article 1— (a) in point (a) for “Union” substitute...
158. In Article 4 for “Union” substitute “domestic”.
159. In Article 5 for “Union” substitute “domestic”.
160. Omit Article 6(2).
161. In Article 7 omit the second sentence.
162. Omit Article 9.
163. After Article 10 omit the words “This Regulation shall be...
164. Amendment to Commission Regulation (EU) No. 873/2012 on transitional measures concerning the Union list of flavourings and source materials set out in Annex 1 to Regulation (EC) No. 1334/2008 of the European Parliament and of the Council
165. After Article 6 omit the words “This Regulation shall be...
166. Amendment to Commission Implementing Regulation (EU) No. 1321/2013 establishing the Union list of authorised smoke flavouring primary products for use as such in or on foods and/or for the production of derived smoke flavourings
167. In Article 1 omit “in the Union”.
168. After Article 2 omit the following words “This Regulation shall...
169. In the heading to the Annex for “Union” substitute “domestic”....

#### PART 4

##### Revocation of retained direct EU legislation

170. Revocation of Commission Regulation (EU) No. 257/2010 setting up a programme for the re-evaluation of approved food additives in accordance with Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives  
Signature  
Explanatory Note