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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 Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 <sup>M1</sup>.

In accordance with paragraph (1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety there has been open and transparent public consultation during the preparation of these Regulations.

**Marginal Citations**

**M1** 2018 c. 16.

**PART 1**

Introduction

**Citation and commencement**

**1.** These Regulations may be cited as the Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019 and come into force on the later of exit day or the day after the day on which they are made.

**Commencement Information**

- I1** Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

## PART 2

### Amendment of subordinate legislation

#### Amendment of the Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013

2. The Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013 <sup>M2</sup> are amended as follows.

**Commencement Information**

- I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Marginal Citations**

- M2** [S.I. 2013/2210](#), to which there is an amendment not relevant to these Regulations.

[<sup>F13</sup> In regulation 10(b), for “the European Union” substitute “ Great Britain ”.]

**Textual Amendments**

- F1** Reg. 3 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), [18\(2\)](#)

**Commencement Information**

- I3** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

4. In regulation 14(1)(d) for “territory of the EU” substitute “ United Kingdom ”.

**Commencement Information**

- I4** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

5. Omit regulation 15.

**Commencement Information**

- I5** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**6.** In Schedule 1—

- (a) in Table 1 in the entry for Article 26.1 in the second column for “Commission” substitute “ Authority ”;
- (b) in Table 2—
- (i) in the entry for Article 21.1 (as read with Article 22) in the second column for “a language easily understandable to purchasers” substitute “ English, or in English and Welsh ”;
- (ii) entry for Article 26.2 in the second column for “Commission” substitute “ Authority ”.

**Commencement Information**

- I6** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**7.** In Schedule 2 in Table 1—

- (a) in the entry for Article 10 in the second column for “Union” substitute “ domestic ”;
- (b) in the entry for Article 19.2 in the second column for “Commission” substitute “ Authority ”;
- (c) in the entry for Article 19.3 in the second column for “Commission” substitute “ Authority ”.

**Commencement Information**

- I7** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

- 8.** In Schedule 3 in Table 1 in the entry for Article 9.5 in the second column for “Commission” substitute “ Authority ”.

**Commencement Information**

- I8** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**9.** In Schedule 4 in Table 1—

- (a) in the entry for Article 4 in the second column for “Union” substitute “ domestic ”;

**Changes to legislation:** There are currently no known outstanding effects for the The Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- (b) in the entry for Article 14.1 in the second column for “Commission” substitute “ Authority ”;
- (c) in the entry for Article 14.2 in the second column for “Commission” substitute “ Authority ”.

#### Commencement Information

- I9** Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

## PART 3

### Amendment of retained direct EU legislation

#### 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

**10.** 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 is amended as follows.

#### Commencement Information

- I10** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**11.** In Article 1—

- (a) in paragraph 1 omit “internal”;
- (b) in paragraph 2—
  - (i) in point (a) omit “Community”;
  - (ii) for point (b) substitute—
    - “(b) a procedure for the establishment of a list of authorised primary smoke condensates and primary tar fractions and their conditions of use in or on foods.”.

#### Commencement Information

- I11** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**12.** In Article 3 at the end insert—

- “5. “Authority” means—
  - (a) as regards [<sup>F2</sup>England and Wales] , the Food Standards Agency;
  - (b) as regards Scotland, Food Standards [<sup>F3</sup>Scotland]

6. “prescribe”, means prescribe by regulations;

7. “appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;

<sup>F4</sup>(d) .....

8. “Regulation 1321/2013” means 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;

<sup>F5</sup>9. ....”.

**Textual Amendments**

- F2** Words in reg. 12 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(3)(a)(i)**
- F3** Word in reg. 12 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(3)(a)(ii)**
- F4** Words in reg. 12 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(3)(b)**
- F5** Words in reg. 12 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(3)(c)**

**Commencement Information**

- I12** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

13. In Article 5(3)—

- (a) for “Community legislation” substitute “retained EU law”;
- (b) omit the second sentence.

**Commencement Information**

- I13** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

14. In the heading to Article 6 omit “Community”.

#### Commencement Information

**I14** Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### 15. In Article 6—

- (a) in paragraph 1—
  - (i) omit “in the Community”;
  - (ii) omit “in accordance with the procedure referred to in Article 19(2)”;
- (b) for paragraph 3 substitute—

“3. “Following the establishment of the list referred to in paragraph 1, the appropriate authority may prescribe the addition of primary products to that list.”

#### Commencement Information

**I15** Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### 16. In Article 7(2)—

- (a) in point (a) for “competent authority of a Member State” substitute “ appropriate authority ”;
- (b) for point (b) substitute—
  - “(b) The appropriate authority must acknowledge receipt of the application in writing to the applicant within 14 days of its receipt. The acknowledgement must state the date of receipt of the application;”;
- [<sup>F6</sup>(c) for point (c) substitute—
  - “(c) The appropriate authority must inform the Authority of the application without delay and make the application and any supporting information supplied by the applicant available to the Authority.”.]

#### Textual Amendments

**F6** Reg. 16(c) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), [regs. 1\(2\), 18\(4\)](#)

#### Commencement Information

**I16** Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### 17. In Article 8—

- (a) in paragraph 1 in the third sentence omit “, the Commission and the Member States”;

- (b) in paragraph 3 in point (b) omit “the Commission and the Member States”;
- (c) in paragraph 5 for “Commission, the Member States” substitute “ appropriate authority ”.

**Commencement Information**

**I17** Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

- 18.** In the heading to Article 9 omit “Community”.

**Commencement Information**

**I18** Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

- 19.** In Article 9—

- (a) for paragraphs 1 and 2 substitute—

“**1.** Within three months of receiving the opinion of the Authority, the appropriate authority must take the decision whether to include a primary product in the list referred to in Article 6(1), taking account of the opinion of the Authority, the requirements of Article 4(1), any relevant provisions of retained EU law and other legitimate factors relevant to the matter under consideration. The appropriate authority must inform the applicant of its decision without delay. Where the decision is not in accordance with the opinion of the Authority, the appropriate authority must provide an explanation for the differences to the Authority and to the applicant.

**2.** Where the appropriate authority decides to include a primary product in the list referred to in Article 6(1) it must prescribe the addition of that product to the list together with the details referred to in Article 6(2) and amend Regulation 1321/2013.”;

- (b) in paragraph 3 omit “throughout the Community”;
- (c) in paragraph 5 for “Commission” substitute “ Authority ”.

**Commencement Information**

**I19** Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

- 20.** Omit Article 10.

**Commencement Information**

**I20** Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**21.** In Article 11—

- (a) in paragraph 2 omit “On its own initiative or following a request from a Member State or the Commission,”;
- (b) for paragraph 3 substitute—

“3. The appropriate authority must examine the opinion of the Authority without delay and take the decision whether to modify the entry for that authorisation.”;

- (c) for paragraph 4 substitute—

“4. Where the appropriate authority decides to modify the entry for that authorisation it must prescribe the modification of the entry for that product on the list and amend Regulation 1321/2013.”;

- (d) omit paragraph 5;
- (e) in paragraph 6 for “Commission” substitute “ Authority ”.

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**Commencement Information**

- I21** Reg. 21 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**22.** In Article 12—

- (a) in paragraph 1 for “Commission” substitute “ Authority ”;
- (b) in paragraph 2(b) after “Authority” insert “ , or provided to the European Food Safety Authority, if provided before [<sup>F7</sup>IP completion day], ”;
- (c) in paragraph 4—
  - (i) for “Commission” substitute “ Authority ”;
  - (ii) omit “and the Member States”.

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**Textual Amendments**

- F7** Words in reg. 22(b) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(5)**

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**Commencement Information**

- I22** Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**23.** In Article 13 (4) for “Community legislation” substitute “ retained EU law ”.



#### Commencement Information

**I23** Reg. 23 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### 24. Omit Article 14.

#### Commencement Information

**I24** Reg. 24 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### 25. In Article 15—

- (a) in paragraph 2—
  - (i) for “Commission” substitute “ Authority ”;
  - (ii) omit “and the Authority”;
- (b) in paragraph 4, for “Commission and the Member States” substitute “ appropriate authority ”;
- (c) in paragraph 5 for “Commission, the Authority and the Member States” substitute “ appropriate authority and the Authority ”;
- (d) in paragraph 6—
  - (i) for “the Commission and the Member States” substitute “ and the appropriate authority ”;
  - (ii) for “Commission” substitute “ Authority ”.

#### Commencement Information

**I25** Reg. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### 26. In Article 17—

- (a) in paragraph 1 for “Member States” substitute “ The Authority ”;
- (b) in paragraph 2 for “Commission” substitute “ appropriate authority ”;
- [<sup>F8</sup>(c) for paragraph 3 substitute—
  - “(3) The appropriate authority may, taking account of available scientific evidence, supplement this Regulation by prescribing quality criteria for validated analytical methods referred to in point 4 of Annex 2, including substances to be measured.”.]

#### Textual Amendments

**F8** Reg. 26(c) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(6)**

**Changes to legislation:** There are currently no known outstanding effects for the The Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

**Commencement Information**

**I26** Reg. 26 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

[<sup>F9</sup>27. The appropriate authority may, following a request to the Authority for scientific and/or technical assistance, prescribe amendments to—

- (a) the Annexes; and
- (b) the list referred to in Article 6(1).]

**Textual Amendments**

**F9** Reg. 27 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), [regs. 1\(2\)](#), **18(7)**

**Commencement Information**

**I27** Reg. 27 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

[<sup>F10</sup>28. Omit Articles 18a and 19.]

**Textual Amendments**

**F10** Reg. 28 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), [regs. 1\(2\)](#), **18(8)**

**Commencement Information**

**I28** Reg. 28 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

29. Insert a new Article 19A—

*“Article 19A*

*Regulations and devolved powers*

1. Any power to make regulations under this Regulation—
  - (a) so far as exercisable by a Minister of the Crown, is exercisable by statutory instrument;
  - (b) so far as exercisable by the Welsh Ministers, is exercisable by statutory instrument;
  - <sup>F11</sup>(c) .....

2. Any power to make regulations under this Regulation includes power—
- (a) to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business);
  - (b) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the appropriate authority considers necessary or expedient.
3. [<sup>F12</sup>Any statutory instrument or Scottish statutory instrument] containing regulations under this Regulation is subject to annulment in pursuance of a resolution—
- (a) in the case of England, of either House of Parliament;
  - (b) in the case of Wales, of [<sup>F13</sup>Senedd Cymru];
  - (c) in the case of Scotland, of the Scottish Parliament;
  - <sup>F14</sup>(d) .....
4. In this Regulation, any power—
- (a) of the Secretary of State to make regulations is limited to regulations which apply in relation to England only;
  - (b) of the Welsh Ministers to make regulations is limited to regulations which apply in relation to Wales only;
  - (c) of the Scottish Ministers to make regulations is limited to regulations which apply in relation to Scotland only;
  - <sup>F15</sup>(d) .....”.

**Textual Amendments**

- F11** Words in reg. 29 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(9)(a)**
- F12** Words in reg. 29 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(9)(b)(i)**
- F13** Words in reg. 29 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(9)(b)(ii)**
- F14** Words in reg. 29 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(9)(b)(iii)**
- F15** Words in reg. 29 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(9)(c)**

**Commencement Information**

- I29** Reg. 29 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**30.** After Article 21 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

.....

**Commencement Information**

**I30** Reg. 30 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**31.** In Annex 1 in paragraph 1 for “Community legislation” substitute “retained EU law”.

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**Commencement Information**

**I31** Reg. 31 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**32.** In Annex 1 in paragraph 2, in the opening words, for “Community legislation” substitute “retained EU law”.

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**Commencement Information**

**I32** Reg. 32 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**33.** In Annex 2 in point 6 for “Scientific Committee on Food given in its report on smoke flavourings of 25 June 1993 or its latest update” substitute “Authority”.

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**Commencement Information**

**I33** Reg. 33 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**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**

**34.** 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 is amended as follows.

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**Commencement Information**

**I34** Reg. 34 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

35. After Article 2 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

**Commencement Information**

**I35** Reg. 35 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**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**

36. 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 is amended as follows.

**Commencement Information**

**I36** Reg. 36 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

37. In Article 1—

- (a) in paragraph 1 omit “within the Community”;
- (b) in paragraph 2 omit “in the Community”;
- (c) in paragraph 3 for “Community” substitute “ domestic ”.

**Commencement Information**

**I37** Reg. 37 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

38. In the heading to Article 2 for “Community” substitute “ domestic ”.

**Commencement Information**

**I38** Reg. 38 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

39. In Article 2—

- (a) in paragraph 1
  - (i) omit “Community” the first time it occurs;
  - (ii) for “Community” substitute “ domestic ” the second time it occurs;
  - (iii) for the second sentence substitute “ The domestic list is to be updated by the appropriate authority. ”;

- (iv) omit the third sentence;
- (b) in paragraph 2 for “Community” substitute “ domestic ” each place it occurs;
- (c) after paragraph 2 add—

“3. “Authority” means—

- (a) as regards [<sup>F16</sup>England and Wales], the Food Standards Agency;
- (b) as regards Scotland, Food Standards Scotland;

4. “prescribe”, means prescribe by regulations;

5. “appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;

<sup>F17</sup>(d) .....

6. “Regulation 234/2011” means Commission Implementing 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;

<sup>F18</sup>7. ....”.

**Textual Amendments**

**F16** Words in reg. 39(c) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(10)(a)**

**F17** Words in reg. 39(c) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(10)(b)**

**F18** Words in reg. 39(c) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(10)(c)**

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**Commencement Information**

**I39** Reg. 39 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, [Sch. 5 para. 1\(1\)](#)), see reg. 1

40. In Article 3—

- (a) in paragraph 1—
  - (i) for “Community” substitute “ domestic ”;

- (ii) for “Commission” substitute “ Authority ” the first time it occurs;
- (iii) omit “by a Member State or”;
- (iv) for “the implementing measures referred to in Article 9(1)(a) (hereinafter referred to as the applicant)” substitute “ Regulation 234/2011 ”;
- (v) for “Commission” substitute “ appropriate authority ” the second time it occurs;
- (b) in paragraph 2—
  - (i) for “Commission” substitute “ appropriate authority ” both places it occurs;
  - (ii) for “European Food Safety Authority (hereinafter referred to as the Authority)” substitute “ Authority ”;
- (c) for paragraph 3 substitute—

“3. The common procedure is to end with the appropriate authority prescribing the update, in accordance with Article 7.”;
- (d) in paragraph 4 in the first subparagraph—
  - (i) for “Commission” substitute “ appropriate authority ”;
  - (ii) omit “the views of Member States”;
  - (iii) for “Community” substitute “ retained EU ”;
- (e) in paragraph 4 in the second subparagraph—
  - (i) for “Commission” substitute “ appropriate authority ”;
  - (ii) omit “and the Member States”.

**Commencement Information**

**I40** Reg. 40 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

- 41.** In Article 4—
- (a) in paragraph 1—
    - (i) in the opening words, for “Community” substitute “ domestic ”;
    - (ii) in the opening words, for “Commission” substitute “ appropriate authority ”;
    - (iii) omit “The application shall be made available to the Member States by the Commission.”;
  - (b) omit paragraph 2.

**Commencement Information**

**I41** Reg. 41 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

- 42.** In Article 5(2) for “Commission, the Member States” substitute “ appropriate authority ”.

**Commencement Information**

**I42** Reg. 42 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**43.** In Article 6—

- (a) in paragraph 1 omit “and shall inform the Commission” to the end of the paragraph;
- (b) in paragraph 3 omit “and to the Commission”;
- (c) omit paragraph 4.

**Commencement Information**

**I43** Reg. 43 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**44.** In the heading to Article 7 for “Community” substitute “ domestic ”.

**Commencement Information**

**I44** Reg. 44 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**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.

**Commencement Information**

**I45** Reg. 45 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**46.** In Article 8—

- (a) in paragraph 1—
  - (i) in the first sentence for “Commission” substitute “ Authority ”;
  - (ii) omit the third sentence;
- (b) in paragraph 2 for “Commission” substitute “ Authority ”.

**Commencement Information**

**I46** Reg. 46 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**47.** In Article 9—

- (a) in the opening words of paragraph 1—
  - (i) omit “In accordance with the regulatory procedure referred to in Article 14(2), within a period of no longer than 24 months from the adoption of each sectoral food law,”;
  - (ii) for “shall be adopted by the Commission” substitute “ may be prescribed by the appropriate authority after seeking advice from the Authority ”;
- (b) omit paragraph 2.

**Commencement Information**

**I47** Reg. 47 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**48.** In Article 10—

- (a) for “Commission” substitute “ Authority ” in both places it occurs;
- (b) omit “or, where applicable, at the Authority's request”;
- (c) omit “and the Member States”.

**Commencement Information**

**I48** Reg. 48 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

49. In Article 11 for “shall ensure the transparency of its activities in accordance with Article 38 of Regulation (EC) No 178/2002. In particular, it shall” substitute “ must ”.

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**Commencement Information**

**I49** Reg. 49 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

50. In Article 12—

- (a) in paragraph 3—
  - (i) for “Commission” substitute “ Authority ”;
  - (ii) omit “and the Member States”;
- (b) in paragraph 4 for “Commission's” substitute “Authority's”;
- (c) omit paragraph 5;
- (d) in paragraph 6—
  - (i) for “Commission, the Authority and the Member States” substitute “ appropriate authority and the Authority ”;
  - (ii) for “Commission” substitute “ Authority ”;
- (e) in paragraph 7 for “Commission, the Authority and the Member States” substitute “ appropriate authority and the Authority ”.

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**Commencement Information**

**I50** Reg. 50 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

51. Omit Articles 13 and 14.

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**Commencement Information**

**I51** Reg. 51 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

52. Insert a new Article 14A—

*“Article 14A*

*Regulations and devolved powers*

- 1. Any power to make regulations under this Regulation—
  - (a) so far as exercisable by a Minister of the Crown, is exercisable by statutory instrument;

- (b) so far as exercisable by the Welsh Ministers, is exercisable by statutory instrument;
  - <sup>F19</sup>(c) .....
2. Any power to make regulations under this Regulation includes power—
- (a) to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business);
  - (b) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the appropriate authority considers necessary or expedient.
3. [<sup>F20</sup>Any statutory instrument or Scottish statutory instrument] containing regulations under this Regulation is subject to annulment in pursuance of a resolution—
- (a) in the case of England, of either House of Parliament;
  - (b) in the case of Wales, of [<sup>F21</sup>Senedd Cymru];
  - (c) in the case of Scotland, of the Scottish Parliament;
  - <sup>F22</sup>(d) .....
4. In this Regulation, any power—
- (a) of the Secretary of State to make regulations is limited to regulations which apply in relation to England only;
  - (b) of the Welsh Ministers to make regulations is limited to regulations which apply in relation to Wales only;
  - (c) of the Scottish Ministers to make regulations is limited to regulations which apply in relation to Scotland only;
  - <sup>F23</sup>(d) .....

**Textual Amendments**

- F19** Words in reg. 52 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(11)(a)**
- F20** Words in reg. 52 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(11)(b)(i)**
- F21** Words in reg. 52 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(11)(b)(ii)**
- F22** Words in reg. 52 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(11)(b)(iii)**
- F23** Words in reg. 52 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(11)(c)**

**Changes to legislation:** There are currently no known outstanding effects for the The Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

**Commencement Information**

**I52** Reg. 52 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**53.** Omit Article 15.

**Commencement Information**

**I53** Reg. 53 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**54.** After Article 16 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

**Commencement Information**

**I54** Reg. 54 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**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**

**55.** 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 is amended as follows.

**Commencement Information**

**I55** Reg. 55 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**56.** In Article 1—

- (a) in the first paragraph omit “internal”;
- (b) in the second paragraph at point (a) for “Community” substitute “ domestic ”.

**Commencement Information**

**I56** Reg. 56 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**57.** In Article 2(3) omit “Community”.

**Commencement Information**

**I57** Reg. 57 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**58.** In Article 3(2) at the end insert—

“(c) “Authority” means—

(i) as regards [<sup>F24</sup>England and Wales], the Food Standards Agency;

(ii) as regards Scotland, Food Standards Scotland;”.

**Textual Amendments**

**F24** Words in reg. 58 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), [regs. 1\(2\)](#), [18\(12\)](#)

**Commencement Information**

**I58** Reg. 58 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**59.** In the heading to Chapter 2 for “Community” substitute “ Domestic ”.

**Commencement Information**

**I59** Reg. 59 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**60.** In the heading to Article 4 for “Community” substitute “ Domestic ”.

**Commencement Information**

**I60** Reg. 60 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**61.** In Article 4 for “Community” substitute “ domestic ”.

**Commencement Information**

**I61** Reg. 61 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**62.** In the heading to Article 6 for “Community” substitute “ domestic ”.

**Commencement Information**

**I62** Reg. 62 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**63.** In Article 6 for “Community” substitute “ domestic ”.

**Commencement Information**

**I63** Reg. 63 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**64.** In the heading to Article 7 for “Community” substitute “ domestic ”.

**Commencement Information**

**I64** Reg. 64 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**65.** In Article 7 for “Community” substitute “ domestic ” in each place it occurs.

**Commencement Information**

**I65** Reg. 65 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**66.** In Article 8 for “Community” substitute “ domestic ” in both places it occurs.

**Commencement Information**

**I66** Reg. 66 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**67.** Omit Article 9.

**Commencement Information**

**I67** Reg. 67 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**68.** In Article 10

- (a) in paragraph 1 in the last sentence for “a language easily understandable to purchasers” substitute “English, or in English and Welsh”;
- (b) omit paragraph 2.

**Commencement Information**

**I68** Reg. 68 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

- 69.** In Article 11(1)(g) for “Community” substitute “retained EU”.

**Commencement Information**

**I69** Reg. 69 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

- 70.** In Article 14—

- (a) in paragraph 1 for “Commission” substitute “Authority”;
- (b) in paragraph 2—
  - (i) for “European Food Safety Authority (hereinafter referred to as the Authority)” substitute “Authority”;
  - (ii) for “Commission” substitute “Authority”;
- (c) in paragraph 3—
  - (i) in the first sentence for “Commission” substitute “Authority”.
  - (ii) omit the second sentence.

**Commencement Information**

**I70** Reg. 70 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

- 71.** Omit Article 15.

**Commencement Information**

**I71** Reg. 71 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

- 72.** Insert a new Article 15A—

*“Article 15A*

*Regulations and devolved powers*

- 1. Any power to make regulations under this Regulation—
  - (a) so far as exercisable by a Minister of the Crown, is exercisable by statutory instrument;
  - (b) so far as exercisable by the Welsh Ministers, is exercisable by statutory instrument;
  - <sup>F25</sup>(c) .....
  
- 2. Any power to make regulations under this Regulation includes power—
  - (a) to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business);
  - (b) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the appropriate authority considers necessary or expedient.
  
- 3. [<sup>F26</sup>Any statutory instrument or Scottish statutory instrument] containing regulations under this Regulation is subject to annulment in pursuance of a resolution—
  - (a) in the case of England, of either House of Parliament;
  - (b) in the case of Wales, of [<sup>F27</sup>Senedd Cymru];
  - (c) in the case of Scotland, of the Scottish Parliament;
  - <sup>F28</sup>(d) .....
  
- 4. In this Regulation, any power—
  - (a) of the Secretary of State to make regulations is limited to regulations which apply in relation to England only;
  - (b) of the Welsh Ministers to make regulations is limited to regulations which apply in relation to Wales only;
  - (c) of the Scottish Ministers to make regulations is limited to regulations which apply in relation to Scotland only;
  - <sup>F29</sup>(d) .....”

**Textual Amendments**

- F25** Words in reg. 72 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(13)(a)**
- F26** Words in reg. 72 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(13)(b)(i)**
- F27** Words in reg. 72 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(13)(b)(ii)**



**F28** Words in reg. 72 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(13)(b)(iii)**

**F29** Words in reg. 72 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(13)(c)**

#### Commencement Information

**I72** Reg. 72 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

73. Omit Article 16.

#### Commencement Information

**I73** Reg. 73 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

74. In the heading to Article 17 for “Community” substitute “ domestic ”.

#### Commencement Information

**I74** Reg. 74 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

75. In Article 17—

- (a) in paragraph 1 for “Community” substitute “ domestic ”;
- (b) in paragraph 2—
  - (i) in the first subparagraph for “Community” substitute “ domestic ”;
  - (ii) for the second subparagraph substitute—

“The deadline for submitting such applications is to be prescribed by the appropriate authority.”;
- (c) in paragraph 3—
  - (i) in the first subparagraph—
    - (aa) for “Commission” substitute “ Authority ”;
    - (bb) for “Community” substitute “ domestic ”;
  - (ii) in the second subparagraph for “Commission” substitute “ appropriate authority ”;
- (d) in paragraph 4—
  - (i) in the first subparagraph—
    - (aa) for “Community” substitute “ domestic ”;
    - (bb) for “Commission” substitute “ appropriate authority ”;
  - (ii) in the second subparagraph at point (b)—

- (aa) for “Commission” substitute “ appropriate authority ”;
- (bb) for “Community” substitute “ domestic ”;
- (e) in paragraph 5 for “shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 15(3)” substitute “ are to be prescribed by the appropriate authority ”.

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**Commencement Information**

**I75** Reg. 75 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

76. In Article 18 for “Community” substitute “ domestic ”.

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**Commencement Information**

**I76** Reg. 76 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

77. In Article 24 in the second paragraph—
- (i) for “Community” substitute “ domestic ”;
  - (ii) omit “in the Member States”.

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**Commencement Information**

**I77** Reg. 77 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

78. After Article 24 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

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**Commencement Information**

**I78** Reg. 78 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Amendment of Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives**

79. Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives is amended as follows.

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**Commencement Information**

**I79** Reg. 79 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

80. In Article 1—

- (a) in the first paragraph omit “internal”;
- (b) in the second paragraph for “Community” substitute “ domestic ”.

**Commencement Information**

**I80** Reg. 80 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

81. In Article 2—

- (a) in paragraph 2(b) for “Community rules” substitute “ retained EU law ”;
- (b) in paragraph 3 for “Community” substitute “ domestic ”;
- (c) in paragraph 4, in the opening words, for “Community rules” substitute “ retained EU law ”.

**Commencement Information**

**I81** Reg. 81 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

82. At the end of Article 3 insert—

- “(i) “Authority” means—
  - (i) as regards [<sup>F30</sup>England and Wales], the Food Standards Agency;
  - (ii) as regards Scotland, Food Standards Scotland;”.

**Textual Amendments**

**F30** Words in reg. 82 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), [regs. 1\(2\)](#), **18(14)**

**Commencement Information**

**I82** Reg. 82 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

83. In the heading to Chapter 2 for “Community” substitute “ Domestic ”.

**Commencement Information**

**I83** Reg. 83 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

84. In the heading to Article 4 for “Community” substitute “ Domestic ”.

**Commencement Information**

**184** Reg. 84 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**85.** In Article 4 for “Community” substitute “ domestic ” both places it occurs.

**Commencement Information**

**185** Reg. 85 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**86.** In the heading to Article 6 for “Community” substitute “ Domestic ”.

**Commencement Information**

**186** Reg. 86 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**87.** In Article 6 for “Community” substitute “ domestic ” in each place it occurs.

**Commencement Information**

**187** Reg. 87 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**88.** In Article 7 for “Community” substitute “ domestic ”.

**Commencement Information**

**188** Reg. 88 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**89.** In Article 8 for “Community” substitute “ domestic ”.

**Commencement Information**

**189** Reg. 89 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**90.** In Article 9(2) for “shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 28(3)” substitute “ are to be prescribed by the appropriate authority ”.

**Commencement Information**

**I90** Reg. 90 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**91.** In the heading to Article 10 for “Community” substitute “ domestic ”.

**Commencement Information**

**I91** Reg. 91 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**92.** In Article 10 for “Community” substitute “ domestic ” in each place it occurs.

**Commencement Information**

**I92** Reg. 92 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**93.** In the heading to Article 12 for “Community” substitute “ domestic ”.

**Commencement Information**

**I93** Reg. 93 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**94.** In Article 12 for “Community” substitute “ domestic ” both places it occurs.

**Commencement Information**

**I94** Reg. 94 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**95.** In Article 13 for “Community” substitute “ domestic ” both places it occurs.

**Commencement Information**

**I95** Reg. 95 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**96.** In Article 14 for “Community” substitute “ domestic ”.

**Commencement Information**

**I96** Reg. 96 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**97.** Omit Article 19.

**Commencement Information**

**I97** Reg. 97 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**98.** Omit Article 20.

**Commencement Information**

**I98** Reg. 98 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**99.** In Article 21—

- (a) in paragraph 1 in the last sentence for “a language easily understandable to purchasers” substitute “ English, or in English and Welsh ”;
- (b) omit paragraph 2.

**Commencement Information**

**I99** Reg. 99 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**100.** In Article 22(1)(g) for “Community” substitute “ retained EU ”.

**Commencement Information**

**I100** Reg. 100 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**101.** In Article 23(4) omit the second sentence.

**Commencement Information**

**I101** Reg. 101 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

102. In Article 24(3)—

- (a) after “measures” insert “ prescribed by the appropriate authority ”;
- (b) omit “in accordance with the regulatory procedure with scrutiny referred to in Article 28(4)”.

**Commencement Information**

**I102** Reg. 102 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

103. In Article 26—

- (a) in paragraph 1 for “Commission” substitute “ Authority ”;
- (b) in paragraph 2—
  - (i) for “Commission” substitute “ Authority ”;
  - (ii) omit the second sentence.

**Commencement Information**

**I103** Reg. 103 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

104. Omit Articles 27 and 28.

**Commencement Information**

**I104** Reg. 104 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

105. Insert a new Article 28A—

*“Article 28A*

*Regulations and devolved powers*

- 1. Any power to make regulations under this Regulation—
  - (a) so far as exercisable by a Minister of the Crown, is exercisable by statutory instrument;
  - (b) so far as exercisable by the Welsh Ministers, is exercisable by statutory instrument;
  - <sup>F31</sup>(c) .....
- 2. Any power to make regulations under this Regulation includes power—

- (a) to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business);
- (b) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the appropriate authority considers necessary or expedient.

3. [<sup>F32</sup>Any statutory instrument or Scottish statutory instrument] containing regulations under this Regulation is subject to annulment in pursuance of a resolution—

- (a) in the case of England, of either House of Parliament;
- (b) in the case of Wales, of [<sup>F33</sup>Senedd Cymru];
- (c) in the case of Scotland, of the Scottish Parliament;

<sup>F34</sup>(d) .....

4. In this Regulation, any power—

- (a) of the Secretary of State to make regulations is limited to regulations which apply in relation to England only;
- (b) of the Welsh Ministers to make regulations is limited to regulations which apply in relation to Wales only;
- (c) of the Scottish Ministers to make regulations is limited to regulations which apply in relation to Scotland only;

<sup>F35</sup>(d) .....”.

**Textual Amendments**

- F31** Words in reg. 105 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(15)(a)**
- F32** Words in reg. 105 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(15)(b)(i)**
- F33** Words in reg. 105 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(15)(b)(ii)**
- F34** Words in reg. 105 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(15)(b)(iii)**
- F35** Words in reg. 105 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(15)(c)**

**Commencement Information**

- I105** Reg. 105 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**106.** Omit Article 29.



**Commencement Information**

**I106** Reg. 106 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**107.** Omit Article 30(5).

**Commencement Information**

**I107** Reg. 107 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**108.** In Article 31 in the first paragraph—

- (a) for “Community” substitute “ domestic ”;
- (b) for “Annexes to Directives [94/35/EC](#), [94/36/EC](#) and [95/2/EC](#)” substitute “ existing lists ”;
- (c) for “shall be adopted by the Commission in accordance with the regulatory procedure with scrutiny referred to in Article 28(4)” substitute “ are to be prescribed by the appropriate authority ”.

**Commencement Information**

**I108** Reg. 108 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**109.** Omit Article 32.

**Commencement Information**

**I109** Reg. 109 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**110.** In Article 34 in the last paragraph for “Community” substitute “ domestic ”.

**Commencement Information**

**I110** Reg. 110 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**111.** After Article 35 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

**Commencement Information**

**I111** Reg. 111 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**112.** In the heading to Annex 2 for “Union” substitute “ Domestic ”.

**Commencement Information**

**I112** Reg. 112 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**113.** In Annex 2—

- (a) in Part A, paragraph 1 for “Union” substitute “ domestic ”.
- (b) in Part E point 04.1.1—
  - (i) in the entry for E172 omit “the Union legislation and/or national”;
  - (ii) in the entry for E464 omit “the Union legislation and/or national”.

**Commencement Information**

**I113** Reg. 113 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**114.** In the heading to Annex 3 for “Union” substitute “ Domestic ”.

**Commencement Information**

**I114** Reg. 114 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**115.** Omit Annex 4.

**Commencement Information**

**I115** Reg. 115 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**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**

**116.** 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 is amended as follows.

**Commencement Information**

**I116** Reg. 116 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, Sch. 5 para. 1(1)), see reg. 1

**117.** In Article 1—

- (a) in the first paragraph omit “internal”;
- (b) in the second paragraph for “Community” substitute “ domestic ” in both places it occurs.

**Commencement Information**

**I117** Reg. 117 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, Sch. 5 para. 1(1)), see reg. 1

**118.** At the end of Article 3(2)(k) add—

- “(l) “Authority” means—
  - (i) as regards [<sup>F36</sup>England and Wales], the Food Standards Agency;
  - (ii) as regards Scotland, Food Standards Scotland.”.

**Textual Amendments**

**F36** Words in reg. 118 substituted (31.12.2020 immediately before IP completion day) by The Food and Feed Hygiene and Safety (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1504), regs. 1(2), 18(16)

**Commencement Information**

**I118** Reg. 118 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, Sch. 5 para. 1(1)), see reg. 1

**119.** For Article 6(3) substitute—

“3. Detailed rules for the implementation of paragraph 2 may be prescribed by the appropriate authority.”.

**Commencement Information**

**I119** Reg. 119 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, Sch. 5 para. 1(1)), see reg. 1

**120.** In Article 8(2)—

- (a) for “Commission, a Member State” substitute “ appropriate authority ”;
- (b) for “Commission shall adopt” substitute “ appropriate authority is to prescribe ”;
- (c) omit “in accordance with the regulatory procedure with scrutiny referred to in Article 21(3)”;
- (d) omit the final sentence.

**Commencement Information**

**I120** Reg. 120 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**121.** In the heading to Chapter 3 for “Community” substitute “ Domestic ”.

**Commencement Information**

**I121** Reg. 121 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**122.** In the heading to Article 10 for “Community” substitute “ Domestic ”.

**Commencement Information**

**I122** Reg. 122 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**123.** In Article 10 for “Community” substitute “ domestic ”.

**Commencement Information**

**I123** Reg. 123 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**124.** In the heading to Article 11 for “Community” substitute “ Domestic ”.

**Commencement Information**

**I124** Reg. 124 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**125.** In Article 11 for “Community” substitute “ domestic ” in each place it occurs.

**Commencement Information**

**I125** Reg. 125 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**126.** In Article 12 for “Community” substitute “ domestic ” in both places it occurs.

**Commencement Information**

**I126** Reg. 126 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**127.** Omit Article 13.

**Commencement Information**

**I127** Reg. 127 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**128.** In Article 14—

- (a) in paragraph 1 in the last sentence for “a language easily understandable to purchasers” substitute “ English, or in English and Welsh ”;
- (b) omit paragraph 2.

**Commencement Information**

**I128** Reg. 128 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**129.** In Article 15(1)(g) for “Community” substitute “ retained EU ”.

**Commencement Information**

**I129** Reg. 129 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**130.** In Article 19—

- (a) in paragraph 1—
  - (i) for “Commission” substitute “ Authority ”;
  - (ii) for “Community” substitute “ United Kingdom ”;
  - (iii) omit the second subparagraph;
- (b) in paragraph 2 for “Commission” substitute “ Authority ”;

- (c) in paragraph 3 for “Commission” substitute “ Authority ”;
- (d) omit paragraph 4.

**Commencement Information**  
**I130** Reg. 130 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, Sch. 5 para. 1(1)), see reg. 1

131. Omit Articles 20 and 21.

**Commencement Information**  
**I131** Reg. 131 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, Sch. 5 para. 1(1)), see reg. 1

132. Insert a new Article 21A—

*“Article 21A*

*Regulations and devolved powers*

1. Any power to make regulations under this Regulation—
  - (a) so far as exercisable by a Minister of the Crown, is exercisable by statutory instrument;
  - (b) so far as exercisable by the Welsh Ministers, is exercisable by statutory instrument;
  - <sup>F37</sup>(c) .....
  
2. Any power to make regulations under this Regulation includes power—
  - (a) to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business);
  - (b) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the appropriate authority considers necessary or expedient.
  
3. [<sup>F38</sup>Any statutory instrument or Scottish statutory instrument] containing regulations under this Regulation is subject to annulment in pursuance of a resolution—
  - (a) in the case of England, of either House of Parliament;
  - (b) in the case of Wales, of [<sup>F39</sup>Senedd Cymru];
  - (c) in the case of Scotland, of the Scottish Parliament;
  - <sup>F40</sup>(d) .....

4. In this Regulation, any power—
- (a) of the Secretary of State to make regulations is limited to regulations which apply in relation to England only;
  - (b) of the Welsh Ministers to make regulations is limited to regulations which apply in relation to Wales only;
  - (c) of the Scottish Ministers to make regulations is limited to regulations which apply in relation to Scotland only;
  - <sup>F41</sup>(d) .....

**Textual Amendments**

- F37** Words in reg. 132 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(17)(a)**
- F38** Words in reg. 132 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(17)(b)(i)**
- F39** Words in reg. 132 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(17)(b)(ii)**
- F40** Words in reg. 132 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(17)(b)(iii)**
- F41** Words in reg. 132 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **18(17)(c)**

**Commencement Information**

- I132** Reg. 132 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**133.** In Article 22—

- (a) In the first paragraph for “adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(3)” substitute “prescribed by the appropriate authority”;
- (b) omit the second paragraph.

**Commencement Information**

- I133** Reg. 133 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**134.** Omit Article 23.

.....

**Commencement Information**

**I134** Reg. 134 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**135.** Omit Article 25.

.....

**Commencement Information**

**I135** Reg. 135 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**136.** After Article 30 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

.....

**Commencement Information**

**I136** Reg. 136 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**137.** In the heading to Annex 1 and in the heading to Part A of Annex 1 for “Union” substitute “ domestic ”.

.....

**Commencement Information**

**I137** Reg. 137 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**138.** In Annex 1, Part A, Section 1, in the paragraph that begins with the words “Column 8 (Footnotes):” for “Union” substitute “ domestic ”.

.....

**Commencement Information**

**I138** Reg. 138 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**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**

**139.** 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 is amended as follows.



**Commencement Information**

**I139** Reg. 139 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**140.** In Article 3—

- (a) in paragraph 1—
  - (i) in the first sentence for “Commission” substitute “ appropriate authority ”;
  - (ii) for the second sentence substitute “ The applicant must take into account any practical guidance on the submission of applications made available by the Authority. ”;
- (b) omit paragraph 2.

**Commencement Information**

**I140** Reg. 140 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**141.** In Article 4—

- (a) in point (g) for “the Union legislation” substitute “ retained EU law ”;
- (b) in point (i) for “the Union legislation” substitute “ retained EU law ”.

**Commencement Information**

**I141** Reg. 141 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**142.** In Article 5—

- (a) in paragraph 3 omit “(The EFSA Journal)”;
- (b) in paragraph 7 in the second subparagraph for “Union” substitute “ United Kingdom ”.

**Commencement Information**

**I142** Reg. 142 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**143.** in Article 6(1)(g) for “Union” substitute “ domestic ”.

**Commencement Information**

**I143** Reg. 143 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

144. In Article 7(2)(f) for “Union” substitute “ domestic ”.

**Commencement Information**

**I144** Reg. 144 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

145. In Article 9(2)(f) omit “as described in the Authority's guidance document on food enzymes”.

**Commencement Information**

**I145** Reg. 145 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

146. In Article 10(1)(e) for “Union” substitute “ domestic ”.

**Commencement Information**

**I146** Reg. 146 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

147. In Article 12—

- (a) in paragraph 1 for “Commission” substitute “ Authority ”;
- (b) in paragraph 2 for “Commission shall, where necessary, request the Authority” substitute “ Authority is ”;
- (c) in paragraph 3—
  - (i) in the first subparagraph—
    - (aa) omit the first sentence;
    - (bb) in the second sentence for “Authority's letter is received by the Commission” substitute “ application is received by the Authority ”;
  - (ii) in the second subparagraph for “Union” substitute “ domestic ”;
- (d) in paragraph 4—
  - (i) for “Union” substitute “ domestic ”;
  - (ii) for “Commission” substitute “ Authority ” in both places it occurs;
- (e) in paragraph 5 in the second sentence—
  - (i) for “Commission” substitute “ Authority ”;
  - (ii) omit “the Member States and the Authority”.

**Commencement Information**

**I147** Reg. 147 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**148.** In Article 13(1)(c) omit “European”.

**Commencement Information**

**I148** Reg. 148 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**149.** Omit Article 13(2).

**Commencement Information**

**I149** Reg. 149 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**150.** After Article 14 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

**Commencement Information**

**I150** Reg. 150 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**151.** In the Annex in the Model Letter accompanying an application for Food Additives—

- (a) for “European Commission Directorate General Directorate Unit” substitute “ appropriate authority ”;
- (b) for “in the European Union” substitute “ in the United Kingdom ”;
- (c) for “EU list” substitute “ domestic list ”.

**Commencement Information**

**I151** Reg. 151 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**152.** In the Annex in the Model Letter accompanying an application for Food Enzymes—

- (a) for “European Commission Directorate General Directorate Unit” substitute “ appropriate authority ”;
- (b) for “in the European Union” substitute “ in the United Kingdom ”;

(c) for “EU list” substitute “ domestic list ”.

**Commencement Information**

**I152** Reg. 152 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**153.** In the Annex in the Model Letter accompanying an application for Flavourings—

- (a) for “European Commission Directorate General Directorate Unit” substitute “ appropriate authority ”;
- (b) for “in the European Union” substitute “ in the United Kingdom ”;
- (c) for “EU list” substitute “ domestic list ”.

**Commencement Information**

**I153** Reg. 153 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**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**

**154.** 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 is amended as follows.

**Commencement Information**

**I154** Reg. 154 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**155.** After Article 4 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

**Commencement Information**

**I155** Reg. 155 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**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**

**156.** 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 is amended as follows.

**Commencement Information**

**I156** Reg. 156 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, Sch. 5 para. 1(1)), see reg. 1

157. In Article 1—

- (a) in point (a) for “Union” substitute “ domestic ”;
- (b) in point (b) —
  - (i) in the first sentence omit “at Union level”;
  - (ii) in the second sentence for “Union” substitute “ domestic ”;
- (c) in point (c) —
  - (i) in the first sentence omit “at Union level”;
  - (ii) in the second sentence for “Union” substitute “ domestic ”.

**Commencement Information**

**I157** Reg. 157 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, Sch. 5 para. 1(1)), see reg. 1

158. In Article 4 for “Union” substitute “ domestic ”.

**Commencement Information**

**I158** Reg. 158 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, Sch. 5 para. 1(1)), see reg. 1

159. In Article 5 for “Union” substitute “ domestic ”.

**Commencement Information**

**I159** Reg. 159 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, Sch. 5 para. 1(1)), see reg. 1

160. Omit Article 6(2).

**Commencement Information**

**I160** Reg. 160 in force at 31.12.2020 on IP completion day (in accordance with 2020 c.1, Sch. 5 para. 1(1)), see reg. 1

161. In Article 7 omit the second sentence.

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**Commencement Information**

**I161** Reg. 161 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

162. Omit Article 9.

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**Commencement Information**

**I162** Reg. 162 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

163. After Article 10 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

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**Commencement Information**

**I163** Reg. 163 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**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**

164. 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 is amended as follows.

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**Commencement Information**

**I164** Reg. 164 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

165. After Article 6 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

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**Commencement Information**

**I165** Reg. 165 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

### **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**

166. 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 is amended as follows.

#### **Commencement Information**

**I166** Reg. 166 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

167. In Article 1 omit “in the Union”.

#### **Commencement Information**

**I167** Reg. 167 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

168. After Article 2 omit the following words “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

#### **Commencement Information**

**I168** Reg. 168 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

169. In the heading to the Annex for “Union” substitute “ domestic ”.

#### **Commencement Information**

**I169** Reg. 169 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

## **PART 4**

### **Revocation of retained direct EU legislation**

#### **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**

170. 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 is revoked.

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**Changes to legislation:** There are currently no known outstanding effects for the The Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

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**Commencement Information**

**I170** Reg. 170 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Signed by authority of the Secretary of State for Health and Social Care.

Department of Health and Social Care

*Seema Kennedy*  
Parliamentary Under-Secretary of State,



## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. In particular, the Regulations address the deficiency specified in section 8(2)(b) of that Act, namely the conferral of functions by retained EU law on, or in relation to, EU entities which no longer have functions in that respect under EU law in relation to the United Kingdom. These Regulations make amendments to legislation relating to food additives. Part 2 amends subordinate legislation in England. Part 3 amends retained direct EU legislation for the whole of the United Kingdom, and Part 4 revokes certain retained direct EU legislation for the whole of the United Kingdom.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the public, private or voluntary sector is foreseen.

**Changes to legislation:**

There are currently no known outstanding effects for the The Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019.