
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply in relation to Wales, amend the Food Supplements (Wales) Regulations 2003 (S.I.2003/1719 as already amended by S.I. 2005/2759, S.I. 2005/3254 (W.247) and S.I. 2007/1076 (W.114)) and the Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007 (S.I. 2007/1984 (W.165)) in order to provide for the execution and enforcement of Commission Regulation (EC) No.1170/2009 amending Directive 2002/46/EC of the European Parliament and of Council and Regulation (EC) No. 1925/2006 of the European Parliament and of the Council as regards the lists of vitamin and minerals and their forms that can be added to foods, including food supplements (OJ No. L314, 1.12.2009, p.36). These Regulations also update the references to directives referred to in the Food Supplements (Wales) Regulations 2003.

2. These Regulations amend the Food Supplements (Wales) Regulations 2003 by—

- (a) substituting a revised definition of Directive 2002/46 and inserting definitions of Directive 90/496 and Directive 2001/83 (*regulation 2(2)*);
- (b) providing that a reference to an Annex to Directive 2002/46 is a reference to that Annex as amended from time to time (*regulation 2(3)*);
- (c) revising references to directives to refer to the definitions of those directives (*regulation 2(4) and (6)(b)*);
- (d) removing those provisions which implemented a part of Directive 2002/46 which lapses on 1 January 2010 (*regulation 2(5)(a) and (d)*);
- (e) providing that those Regulations refer to the Annexes to Directive 2002/46 rather than the Schedules to those Regulations and making consequential amendments (*regulation 2(5)(b) and (c), (6)(a) and (8)*); and
- (f) providing a transitional period for the phasing in of the new provisions relating to Directive 90/496 (*regulation 2(7)*).

3. These Regulations amend the Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007 substituting a revised definition of Regulation (EC) No.1925/2006 (*regulation 3(2)*).

4. A full regulatory impact assessment has been undertaken in respect of these Regulations and is available from the Food Standards Agency, 11th Floor Southgate House, Cardiff CF10 1EW.