

**2009 No. 1092 (W. 97)**

**FOOD, WALES**

**The Purity Criteria for Colours,  
Sweeteners and Miscellaneous  
Food Additives (Wales) Regulations  
2009**

**EXPLANATORY NOTE**

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

These Regulations provide for the implementation of three new Commission Directives (“the new Directives”) which consolidate existing European Community rules governing the purity criteria for colours, sweeteners and other miscellaneous additives used in foods.

These Regulations further amend in relation to Wales the Colours in Food Regulations 1995 (S.I. 1995/3124 as amended), the Sweeteners in Food Regulations (S.I. 1995/3123 as amended) and the Miscellaneous Food Additives Regulations 1995 (S.I. 1995/3187 as amended).

The existing Directives, which the new Directives replace, were implemented by making reference to them in domestic provisions, and these Regulations therefore update those references.

The new Directives are —

- (a) Commission Directive 2008/128/EC laying down specific purity criteria concerning colours for use in foodstuffs (OJ No. L6, 10.1.2009, p.20);
- (b) Commission Directive 2008/60/EC laying down specific purity criteria concerning sweeteners for use in foodstuffs (OJ No. L158, 18.6.2008, p.17); and
- (c) Commission Directive 2008/84/EC laying down specific purity criteria for food additives other than colours and sweeteners (OJ No. L253, 20.9.2008, p.1).

A full impact assessment has not been prepared for these Regulations as no impact on the voluntary or private sector is foreseen.

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<i>Made</i>	<i>27 April 2009</i>
<i>Laid before the National Assembly for Wales</i>	<i>29 April 2009</i>
<i>Coming into force</i>	<i>25 May 2009</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(a) and 17(1) of the Food Safety Act 1990<sup>(1)</sup>:

In accordance with section 48(4A) of that Act, the Welsh Ministers have had regard to the relevant advice given by the Food Standards Agency.

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<sup>(2)</sup> there has been open and

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(1) 1990. c.16, section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Sections 17 and 48 were amended respectively by paragraphs 12 and 21 of Schedule 5 to the Food Standards Act 1999 (1999 c.28). Section 48 was also amended by S.I. 2004/2990.

The functions formerly exercisable by the “Secretary of State” so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the Food Standards Act 1999 (1999 c.28), and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

(2) OJ No. 131, 1.2.2002, p.1, as last amended by Commission Regulation (EC) No. 2002/2008 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority (OJ No. L60, 5.3.2008, p.17).

transparent public consultation during the preparation and evaluation of these Regulations.

### **Title, commencement and application**

**1.**—(1) The title of these Regulations is the Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (Wales) Regulations 2009 and they come into force on 25 May 2009.

(2) These Regulations apply in relation to Wales.

### **Amendment of the Colours in Food Regulations 1995**

**2.**—(1) The Colours in Food Regulations 1995(1) are amended in accordance with paragraph (2).

(2) In regulation 2(1) (interpretation)—

(a) omit the definition of “Directive 95/45/EC” and substitute the following definition—

““Directive 2008/128/EC” means Commission Directive 2008/128/EC laying down specific purity criteria concerning colours for use in foodstuffs(2);”;

(b) in the definition of “permitted colour”, for the expression “the annex to Directive 95/45/EC” substitute the expression “Annex 1 to Directive 2008/128/EC”.

### **Amendment of the Sweeteners in Food Regulations 1995**

**3.**—(1) The Sweeteners in Food Regulations 1995(3) are amended in accordance with paragraph (2).

(2) In regulation 2(1) (Interpretation) —

(a) omit the definition “Directive 95/31/EC” and substitute the following definition—

““Directive 2008/60/EC” means Commission Directive 2008/60/EC laying down specific purity criteria concerning sweeteners for use in foodstuffs(4);”;

(b) in the definition of “permitted sweetener”, for the expression “the annex to Directive 95/31/EC” substitute the expression “Annex 1 to Directive 2008/60/EC”.

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(1) S.I. 1995/3124. The relevant amending instrument is S.I. 2007/579 (W.51).

(2) OJ No. L6, 10.1.2009, p.20.

(3) S.I. 1995/3123. Relevant amending instruments are S.I. 2005/1156 (W.73) and S.I. 2008/138 (W.20).

(4) OJ No. L158, 18.6.2008, p.17.

## **Amendment of the Miscellaneous Food Additives Regulations 1995**

4.—(1) The Miscellaneous Food Additives Regulations 1995<sup>(1)</sup> are amended in accordance with paragraph (2);

(2) In regulation 2 (Interpretation)—

(a) omit the definition “Directive 96/77/EC” and substitute the following definition—

““Directive 2008/84/EC” means Commission Directive 2008/84/EC laying down specific purity criteria on food additives other than colours and sweeteners<sup>(2)</sup> as that Directive was before the amendments made by Commission Directive 2009/10/EC<sup>(3)</sup>”;

(b) in the definition of “purity criteria”, in subparagraph (a) for the expression “the Annex to Directive 96/77/EC” substitute the expression “Annex I to Directive 2008/84/EC”.

*Gwenda Thomas*

Deputy Minister for Social Services under authority of the Minister for Health and Social Services, one of the Welsh Ministers

27 April 2009

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(1) S.I. 1995/3187. Relevant amending instruments are S.I. 2002/329 (W. 42) and S.I. 2008/138 (W.20).

(2) OJ No. L253, 20.9.2008, p.1.

(3) Commission Directive 2009/10/EC amending Directive 2008/84/EC laying down specific purity criteria on food additives other than colours and sweeteners (OJ No. L44, 13.02.2009, p.62).