EXECUTIVE NOTE

THE FOOD ADDITIVES (SCOTLAND) AMENDMENT REGULATIONS 2011

SSI 2011/99

Description

The above instrument was made under the powers in sections 16(1)(a) and (f), 17(1) and 48(1) of the Food Safety Act 1990([1]). The instrument is subject to negative resolution procedure and does not amend primary legislation.

Policy Objective

This instrument, which extends to Scotland only, provides for the implementation of two new Commission Directives which amend existing European Union rules governing the purity criteria for miscellaneous additives and sweeteners.

Legislative Background

The new Directives amend the existing legislation on purity criteria for miscellaneous additives and sweeteners set out in Commission Directives 2008/84/EC and 2008/60/EC. The aim of the purity criteria legislation is to ensure that each additive meets specified compositional criteria for the manufacture and production of the substance concerned.

These Regulations make amendments to regulation 2 (interpretation) of the Food Additives (Scotland) Regulations 2009 so that references to Directive 2008/60/EC and Directive 2008/84/EC include reference to the relevant amending Commission Directive (regulation 2(2)).

Policy Background

The main purpose of the two new Directives is to introduce purity criteria for four new additives and one sweetener recently permitted to be used within the EU. In addition, minor amendments have been made to the existing specifications to bring them into line with international safety standards and update them to take account of new technological developments.

Consultation

Industry across the UK was consulted on the new and revised purity criteria at each stage of EU negotiations and their views taken into account.

([1]) 1990 c.16

In January 2011 FSA in Scotland informed approximately 235 Scottish stakeholders trade associations, local authorities, consumer organisations and sector specific organisations of the draft implementing Regulations. A formal consultation was not considered necessary as the provisions in the Directives do not impose any additional costs on industry or enforcers. No comments were made by Scottish stakeholders. These regulations are mostly relevant to food additive manufacturers. There are fewer than ten companies manufacturing food additives in the UK, none of these are based in Scotland. Most additives are manufactured overseas, for cost reasons.

Other Administrations

Similar Regulations will apply in England, Wales and Northern Ireland.

Impact

A Business and Regulatory Impact Assessment has not been produced for this instrument as it has no identifiable costs and or impact on business, charities or voluntary bodies.

Contact

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EUROPEAN COMMISSION DIRECTIVES 2010/37/EU and 2010/67/EU AMENDING DIRECTIVES 2008/60/EC AND 2008/84/EC LAYING DOWN SPECIFIC PURITY CRITERIA ON SWEETENERS AND FOOD ADDITIVES OTHER THAN COLOURS AND SWEETENERS

Articles	Objectives	Implementation	Responsibility
Article 1	Article 1 of Directive 2010/37/EU amends Directive 2008/60/EC by way of a reference to the Annex to the Directive, which contains provisions regarding the purity criteria for one sweetener and amends the existing specifications to take account of international safety standards.	Implemented in Scotland by regulation 2(2) of the Food Additives (Scotland) Amendment Regulations 2011.	The Scottish Ministers (on the advice of the Food Standards Agency) are responsible for the measures taken to implement the Directives in Scotland.
	Article 1 of Directive 2010/67/EU amends Directive 2008/84/EC by way of a reference to the Annex to the Directive, which contains provisions regarding the purity criteria for four new food additives, and amends the existing specifications to take account of international safety standards and new technological developments.	As above.	As above.
Article 2	Article 2 of Directives 2010/37/EU and 2010/67/EU specifies a date of compliance of 31 March 2011.	Implemented in Scotland by regulation 1 of the above Regulations, which brings those Regulations into force on 31 March 2011.	As above.