EXECUTIVE NOTE
THE FOOD (JELLY MINI-CUPS) (EMERGENCY CONTROL) (SCOTLAND) REVOCATION REGULATIONS 2011
SSI 2011/95

Description

The above instrument was made under the powers conferred by section 2(2) of the European Communities Act 1972([1]).

Policy Objective

This instrument, which extends to Scotland only, revokes legislation banning the use of certain additives in a type of jelly confectionery known as jelly mini-cups. The revocation takes account of the repeal of EU emergency legislation which is no longer required as the ban has been made permanent elsewhere in EU law.

Legislative Background

These Regulations revoke the Food (Jelly Mini-Cups) (Emergency Control) Scotland Regulations 2009.

Commission Decision 2004/375/EC which suspended the placing on the market and import of jelly mini-cups containing 16 specified gel forming food additives was implemented in Scotland by the Food (Jelly Mini-Cups) (Emergency Control) Scotland Regulations 2009. In 2006, the ban on these additives in jelly mini-cups was made permanent by way of an amendment to food additives legislation (Directive 95/2/EC) which is enforced in Scotland by the Food Additives (Scotland) Regulations 2009. To avoid repetition of legislation, Commission Decision 2004/374/EC has now been repealed by Commission Directive 2010/69/EU and it is necessary to revoke the implementing legislation.

Policy Background

Jelly mini-cup sweets which contain additives derived from seaweed and / or certain gums have been banned in the EU since 2004 because of concerns that they pose a choking hazard. This type of jelly confectionery is of a firm consistency, contained in semi-rigid mini-cups or mini-capsules intended to be ingested in a single bite by exerting pressure on the mini-cup or mini-capsule to project the confectionary into the mouth.

Consultation

In January 2009, FSA in Scotland launched a 12 week consultation involved approximately 235 Scottish stakeholders; trade associations, local authorities, consumer organisations and sector specific organisations on the draft Jelly Mini – Cups Emergency Control (Scotland) Regulations 2009. This SSI updated enforcement positions from the EC Decision 2004/374/EC. No comments were received.

([1])1972 c.68.

The Food Additives (Scotland) Regulations 2009, which made the ban permanent, was consulted on in July 2009.

The Food (Jelly Mini-Cups) (Emergency Control) (Scotland) Revocation Regulations 2011 does not require a new consultation since the controls to which it relates have already been consulted on and there is effectively no change in the law. However, interested parties will be advised that the ban on certain additives in jelly mini-cups will continue under the food additives legislation.

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.

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