EXPLANATORY MEMORANDUM

The Miscellaneous Food Additives (Amendment) (England) Regulations 2004 No.2605

Compatability with Convention Rights

1. In the Minister's view the instrument is compatible with Convention Rights.

Powers under which instrument is made

2. The ministerial powers under which it is made are Sections 16(1)(a), 17(1), 26 (1) and (3), and 48(1) of, and paragraph 1 of Schedule 1 to the Food Safety Act 1990.

Wider legislative context

3. This new S.I. amends the Miscellaneous Food Additives Regulations 1995 (as amended) to transpose in England Commission Directives 2003/95/EC and 2004/45/EC amending Directive 96/77/EC. Directive 96/77/EC sets out EU purity criteria (specifications) for individual approved food additives.

4. Existing legislation in the UK, The Miscellaneous Food Additives Regulations 1995 (as amended) implements all existing European legislation relating to miscellaneous additives.

Policy background to the instrument

5. Commission Directives 2003/95/EC and 2004/45/EC form part of a continuing programme to update EU wide specifications which are used to ensure the purity of food additives.

6. The new S.I. accurately transposes Directives 2003/95/EC and 2004/45/EC, which amend certain of the existing specifications in Directive 96/77/EC to take account of advice of the European Commission's Scientific Committee on Food (SCF) or to adapt them to technological progress. In addition, new specifications have been included for three newly approved additives. A full consultation on the new regulations was carried out. No responses were received.

7. The new Directives set deadlines of implementation before 1 November 2004 and 1 April 2005 respectively.

Any identifiable costs to the public:

9. There are no identifiable costs to the public.

Any identifiable costs to the Exchequer:

10. There are no identifiable costs to the Exchequer.

Applicability to Wales:

11. This S.I. applies to England. There will be a similar S.I. for Wales.

Transpostion note

11. A transposition note is attached at Annex A.

Contact Point

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