

EXPLANATORY MEMORANDUM TO
THE FOOD ADDITIVES (ENGLAND) (AMENDMENT) REGULATIONS 2011
2011 No. 258

1. This explanatory memorandum has been prepared by Food Standards Agency and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 These Regulations provide for the implementation of two new Commission Directives which amend existing European Union rules governing the purity criteria for miscellaneous additives and sweeteners.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Context**
 - 4.1 These Regulations amend in relation to England the Food Additives (England) Regulations 2009 (SI 2009/3238)
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to England only.
 - 5.2 Separate but parallel legislation is being made for Scotland, Wales and Northern Ireland.
6. **European Convention on Human Rights**
 - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - *What is being done and why*
 - 7.1 The new Directives amend the existing legislation on purity criteria for miscellaneous additives and sweeteners set out in (respectively) 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.
 - 7.2 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.

8. Consultation outcome

8.1 A four week consultation has been carried out on the draft implementing Regulations. A full 12 consultation was not considered necessary as UK industry has been consulted on the new and revised purity criteria at each stage of EU negotiations and their views taken into account.

9. Guidance

9.1 It is not intended to issue guidance as the measure is straightforward.

10. Impact

10.1 There will be no impact on business, charities or voluntary bodies as there are no identifiable costs.

10.2 There is no impact on the public sector as there are no identifiable costs.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation on purity criteria will apply to all businesses small and large.

11.2 There will be no impact on small businesses as there are no identifiable costs to industry.

12. Monitoring & review

12.1 Central and local authorities in England routinely monitor foodstuffs on sale to the public to ensure compliance with the new Regulations. The European Commission carries out regular reviews of the purity criteria for additives to ensure that they meet the latest international safety standards, and compliance with the Regulations will contribute to improved food safety.

13. Contact

13.1 Glynis Griffith at the Food Standards Agency, Tel: 020 7276 8556, Email: Glynis.griffiths@foodstandards.gsi.gov.uk can answer any queries regarding the instrument.

**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	<p>Article 1 of Directive 2010/37/EU amends Directive 2008/60/EC by way of a reference to the Annex to the Directive, which contain provisions regarding the purity criteria for one sweetener and amends the existing specifications to take account of international safety standards.</p> <p>Article 1 of Directive 010/67/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.</p>	<p>Article 1 is implemented by Regulation 2 (2) of the Food Additives (England) (Amendment) Regulations 2011.</p> <p>As above</p>	<p>The Secretary of State for Health on the advice of the Food Standards Agency is responsible for the measures taken to implement the Directive in England.</p> <p>As above</p>
Article 2	<p>Article 2 of Directives 2010/37/EU and 2010/67/EU specifies a date of compliance of 31 March 2011.</p>	<p>Implemented by Regulation 1 of the above Regulations, which will come into force on 31 March.</p>	<p>As above</p>