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## EXPLANATORY NOTE

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

1. These Regulations provide for the execution and enforcement in Wales of Regulation (EC) No. 1334/2008 of the European Parliament and of the Council on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No. 1601/91, Regulations (EC) No. 2232/96 and (EC) No. 110/2008 and Directive 2000/13/EC (OJ No. L354, 31.12.2008, p.34) (“the EU Regulation”).

2. These Regulations provide that it is an offence to contravene the requirements of the EU Regulation by—

- (a) using flavourings or food ingredients with flavouring properties in or on foods if they pose a risk to the health of consumers or if their use misleads consumers (*regulation 3(2)(a)*);
- (b) placing on the market any flavouring or food ingredient with flavouring properties or food in which they are present if their use does not comply with the EU Regulation (*regulation 3(2)(b)*);
- (c) adding certain proscribed substances to food (*regulation 3(2)(c)*);
- (d) using certain proscribed source materials for the production of flavourings or food ingredients with flavouring properties, or using certain specified source materials other than in accordance with prescribed conditions (*regulation 3(2)(d)*);
- (e) placing on the market or using certain specified flavourings or source materials unless they are included in the authorised EU list (*regulation 3(2)(e)*);
- (f) labelling flavourings not intended for sale to the final consumer other than in accordance with the conditions set out in the EU Regulation (*regulation 3(2)(f)*);
- (g) labelling flavourings that are intended for sale to the final consumer other than in accordance with the conditions set out in the EU Regulation (*regulation 3(2)(g)*); and
- (h) failing to provide certain specified information when required (*regulation 3(2)(h)*).

3. These Regulations also—

- (a) designate the authorities having the duty to enforce these Regulations and the EU Regulation (*regulation 4*);
- (b) apply certain provisions of the Food Safety Act 1990 for the purposes of these Regulations (*regulation 5*);
- (c) provide that where food does not comply with the EU Regulation such that it would be an offence under these Regulations to place it on the market, it is to be treated as failing to comply with food safety requirements for the purposes of seizure and destruction under section 9 of the 1990 Act (*regulation 6*); and
- (d) make amendments to the Food Labelling Regulations 1996 (*regulation 7*).

4. A regulatory impact assessment as to the likely costs and benefits of complying with these Regulations has been prepared in relation to these Regulations and is available from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.